



The City of Seattle

# Pike Place Market Historical Commission

Mailing Address: PO Box 94649 Seattle WA 98124-4649  
Street Address: 700 5th Ave Suite 1700

## MINUTES

MHC 133/09

Wednesday, July 8, 2009

4:30 p.m.

PDA Meeting Room, 85 Pike Street, Room 500

## COMMISSIONERS

Karin Link

Valerie Bystrom

Joanne Herron

Spencer Howard

Sara Patton

Sharon Shinbo

Allyn Stellmacher

Susan Zuege

## STAFF

Heather McAuliffe

Melinda Bloom

4:30 p.m. Chair Sara Patton called the meeting to order. She introduced Stephanie Pure, David Guthrie and Colleen Bowman, new Commissioners subject to the confirmation process.

## **070809.1 COMMISSION TRAINING**

### 070809.11 Seattle City Attorney's Office

Mary Perry

Presentation on Open Public Meetings Act (OPMA).

Mary Perry, Assistant City Attorney, City of Seattle Attorney's Office, provided a handout, "Open Public Meetings Act RCW 42.30" (available in DON file), and she went over it with the Board. She noted the OPMA is taken very seriously in Washington. She said that all meetings of the governing body of a public agency shall be open and all persons shall be permitted to attend. She said the Pike Place Market Historical Commission is clearly a governing body and is subject to the OPMA. She said meetings do not have to be in a formal setting and listed several examples on the handout. She said the meetings provision is interpreted broadly and it could be anywhere. If a quorum attended the same lecture or get together to talk about business that they are going to be looking at or have looked at that could be

interpreted to be a meeting. It doesn't have to be in person or in a formal setting. The way the act describes it is it doesn't have to be a final action but any discussion, consideration, public testimony, review, evaluation or other deliberation in addition to final action. She said it is any time that the members of a Board, Commission, or governing body communicate about the issues that are presented to it or will be presented to it. She said it has been interpreted to include actions that are taken by email, by telephone, any sort of communication; examples are listed on the handout. She noted that any sort of communication by a quorum about issues that are going to come before it; an exchange of emails, reaching consensus on a particular action even though there is no formal voting, and substantive telephone discussions among members.

Ms. Shinbo asked for clarification regarding Ms. Perry's example, on page 2, of a telephone discussion between two members of a three person board about an issue that would be raised at the next meeting. Ms. Shinbo asked to confirm if the example was a violation because it involved a quorum of the board rather than because it was a telephone conversation between two board members.

Ms. Perry said every discussion is not an action if talking about the Mariners or the weather but if talking about business it is. She explained it is problematic when it becomes "serial meetings" (e.g. A talks to B and then B talks to C, or that C and A start to talk). She explained that one talks to another; A doesn't know what B is doing; a representative of a member talks to others or representatives of others. She cited the Wood case in which an email chain, which was not contemporaneous, went to so many it became a quorum. She said face to face communication – not email - is recommended.

Ms. Patton asked about the letter and the spirit of the law and Ms. Perry said it is important to understand why we have the law and what values it is protecting.

Ms. Perry said it is self evident. She said there is a strong belief in the idea of open government in this state – that the public has a right to know what is going on and how the representatives have reached those determinations.

Ms. Bystrom asked for clarification about communication with another Commission member – if it is alright to "vent" or "comment" on an application following the meeting as a reflection of what has happened versus upcoming application.

Ms. Perry said that commenting to one other member is okay but it becomes a problem when there is a quorum. She said if one starts venting and there is a quorum, that is deliberation and the OPMA is triggered.

Ms. Patton noted the Commission is quasi-adjudicatory and asked if there is an appeal after something is adjudicated if the OPMA would apply.

Ms. Perry cautioned that it might arise again and that one should be cautious even in the context of something coming up.

Ms. Patton said the Commission observes ex-parte and conflict of interest but asked if there were any special considerations given that the Commission is quasi-judiciary.

Ms. Perry said it is better to err on the side of caution and the OPMA should be interpreted as broadly as possible. She went over items from the handout "Tips for Avoiding Problems When Using Email" (see handout). She advised Commissioners to think before they send an email or reply to an email and to not use "Reply All". She said not to take a position or make any commitments on email; one doesn't know where that email could end up. If an email is sent simply providing information (date, place and time of next meeting, procedural) the OPMA would not be triggered. If the email contains a mix of information the OPMA could be triggered.

Ms. Shinbo said she wanted to emphasize when it relates to quorum that she understands serial discussions and serial emails but she asked if she could have a discussion with any other member on a detailed piece of business as long as it is just one member.

Ms. Perry said yes but cautioned against having a rolling majority.

Ms. Shinbo said it is important to have vigorous discussion as to how we perceive an application - the pros and cons - and to do in this forum so it is on record.

Ms. Link said it is the choice of each Commissioner whether to speak up or not.

Ms. Bystrom asked Ms. Shinbo if she is saying that at meetings where a vote is taken every member should have expressed their opinion before voting.

Ms. Shinbo said that is her preference so that it is reflected in the minutes. She said the intent of the OPMA is so public will see how a body got to that decision in their decision making process.

Ms. Perry said it is primarily to make sure that no action is taken behind closed doors so that the action is taken in front of the public. It does not mean the OPMA triggers expressing the thought processes of the members.

Ms. Patton asked about the appearance of fairness doctrine which applies on the state and the City level.

Ms. Perry said that would be judicial or quasi judicial.

Ms. Patton said a lot of what the Commission does is quasi-judicial and asked how that influenced (or ought it) the interpretation of the OPMA.

Ms. Perry said the OPMA and the Appearance of Fairness are two separate matters but when you have the authority of making a quasi-judicial determination, there

should not be any appearance of unfairness. If you have connections to one of the parties before you then clearly those need to be disclosed so that people are aware of any potential bias you have and could ask for your recusal if appropriate.

Ms. Patton said there are specific rules such as ex parte rules, OPMA, and conflict of interest rules, which are all specific, but there is also the overall appearance of fairness that you can do something that is not literally violating any of those specific fairness statutes, rules, or Ordinances yet it appears unfair on the surface and that can be a violation of law. She said it should be considered as overall structure.

Ms. Perry said it might not be a violation of the law but it is important to be sensitive to the type of decision the Commission makes.

Ms. Patton noted trying to be clear of letter of law which includes appearance. She said there are two committees the DRC and the URC that are noticed with agendas – no public comment is taken– those bodies bring back recommendations to this body. She asked if that comports with the OPMA.

Ms. Perry said yes.

Ms. Patton asked about a non-standing committee meeting that gets together on a periodic basis but is not always functioning - the Guidelines Review Committee; its function is to look at Guidelines that may need review or updating. Those meetings have not been noticed to the public. There are four people on the Committee.

Ms. Perry said that is less than a quorum.

Ms. McAuliffe cited procedures having to do with Executive Sessions.

Ms. Patton noted that the Guidelines Review Committee is not an executive session.

Ms. Perry said boards that are appointed by a governing body can fall under the OPMA even if their recommendations can be over-ridden. She said it is probably better to give notice of meeting and give folks the opportunity to attend if they want. She reiterated to err on the side of caution. She went on to explain that an Executive Session is part of a regular session in which the Commission may wish to discuss one of 13 permissible subjects listed in the handout. If going to Executive Session you have to announce you are going to Executive Session (which is part of regular session); state purpose of the meeting, when it will be completed, no formal action is taken – only necessary discussion. If a vote is necessary you come out and vote publicly. If Executive Session runs over, come out and announce how much longer; stick only to subject you are supposed to talk about.

Ms. Herron explained that as a business owner she has personal relationships with other business owners and asked if she needed to reveal that relationship.

Ms. Perry said only if there is a financial dependence on that business or a family member with a financial dependence. Information about Commission members is available to the public, but if there are things that you know by your connections that aren't revealed by that, that shows a bias via financial dependence or property ownership, that is the sort of thing that should be revealed.

Ms. Patton said if you are on the Commission because you are a business owner representative, there is an implication that you are open to hearing from other business owners and that maybe you have some sort of implicit duty to check in with them from time to time.

Ms. Perry said if a business owner came to you and said "I've been talking to that applicant and I think you should do this" and if it appears that that person is trying to do ex parte communication, that is something you have to reveal. If someone has lobbied, even if it had no affect, you must reveal that.

Ms. Perry went over penalties and any final action taken at a meeting in violation of the OPMA is null and void and you would have to retrace steps and do it all over again. A member of a governing body who violates the OPMA knowingly is personally liable for a penalty of up to \$1000.00. She said that knowingly means that either you actually knew or that you should have known; the fact that you have gotten training and it is on the agenda and would be available to anybody means that you should have known. The Commission could be liable for attorney's fees if someone brought a lawsuit and prevailed. She reiterated that it was always better to err on side of openness; the public has the right to know.

Colleen Bowman shared Ms. Herron's concern about being a business owner/representative on the Commission and interaction with fellow business owners; she asked when the appropriate time to bring it up is.

*Mr. Rolluda arrived at 5:10 p.m.*

Ms. Patton noted that she asks Commissioners to reveal any ex parte communications for conflicts of interest at the beginning of each meeting. At that point Commissioners have the agenda and Staff Report in front of them. She said she could think of only one time and it was a Commission member who had had a former business relationship with an applicant and she thought he recused himself.

Ms. McAuliffe added that he erred on the side of caution.

Ms. Patton agreed that he erred on the side of caution. She went on to explain that because of the former business relationship, the Commission member recused himself.

In response to a Commissioner question about City Council members, Ms. Perry said Council members are very conscious of this and one Council member may meet

with one other Councilmember, but you will not see a quorum of them talking about things.

Stephanie Pure asked if she is not to talk to fellow Commissioners about her feelings about this except in a meeting.

Ms. Perry said it is probably better to talk about it at the meeting but you can talk one on one but you have to be very cautious with your communications to make sure then are not relayed and that there is no rolling majority or gathering of majority.

Ms. Pure said that Council members speak to each other all the time individually.

Ms. Perry said they are not supposed to. She said they also discuss things at meetings and that is where the discussions really happen.

Ms. Pure said what she is hearing is that is that “all business should be conducted at this meeting”.

Ms. Perry concurred.

Ms. Pure said all members will have opinions on things and asked if what Ms. Perry is saying is that “it is not a good idea to have a cup of coffee with single Commissioners at different times because that could be construed as doing business outside”.

Ms. Perry agreed and said it raises the specter of a rolling majority.

Ms. Shinbo said she didn’t want people to get discouraged from having discussions with one another and noted on Page 1 of the handout three examples that three examples focus on where the meeting was held. When it stated “A “study session” was a “meeting” because councilmembers discussed town business,” the example should have included that “a majority” of “councilmembers discussed town business.” It’s the same issue with all three of the examples; they focused on the site but should focus on the key point of a majority of people talking together. If we are all cognizant of avoiding a majority and a rolling quorum is she thought members could still talk to one another.

Ms. Perry said to be cautious about what you say and how you approach other members and that you avoid corralling a quorum serially.

Ms. Patton said it is important to put yourself in the position of someone who is coming before the Commission with an important proposal and if they suddenly hear no conversation and a vote, they don’t know what the thought process was and that is not the way to do business.

David Guthrie said as a design professional he discusses ideas and thoughts with cohorts and asked if it is ok to pull someone aside to talk without violating the OPMA.

Ms. Perry said one on one conversation is not a violation but when it is done serially and when one tries to form a quorum and influence a vote outside of the eye and ear of the public.

Ms. Bystrom asked if there is a danger that it would become an accidental quorum – which no one intended, but word gets around.

Ms. Perry agreed.

## **070809.2 APPLICATIONS FOR CERTIFICATES OF DESIGN APPROVAL**

Ms. Patton reminded Commission members that it is important to reveal any conflict of interest or ex parte communications before beginning discussion of any application.

070809.21 Chase Bank  
Andrew Hattaway

Install permanent new signage on existing ATMs located in the Fairley Building, Soame-Dunn Building and at the 1<sup>st</sup> & Pike information booth.

Staff Report: Ms. McAuliffe explained the application to install permanent new signage on existing ATMs located in the Fairley Building, Soames-Dunn Building and at the 1<sup>st</sup> & Pike information booth. Exhibits provided included photos, drawings and renderings. Guidelines that applied to this application included 3.6.

DRC Report: Ms. McAuliffe said the Committee cited Guidelines 3.6.1, 3.6.2, 3.6.5 and recommended approval.

Applicant Comment:

Shawn Bowen, Tube Art Displays, explained the project was straightforward and would be just swapping out the WAMU signage for Chase; it would be the same size, no illumination or backlight.

Brittney Farrow, PDA representative, supported the application.

Public Comment: There was no public comment.

Commission Discussion:

Ms. Zuege cited 3.4.1 C and although it pertains to shop fronts she asked for clarification about whether the color of the sign conformed. She said that small businesses are asked to comply and that this seemed inconsistent.

Mr. Rolluda noted that DRC looked at it as a sign and not as a shop front and that there when there is no specific Guideline they go to the sign Guideline which says “if it is appropriate for the use, location, character” and being that they are Chase’s colors, it reflects who they are and he didn’t see a problem.

Ms. Patton cited 3.6.1 and said if there was a restriction on color it would be there. With regard to the blue color, she noted that the Commission has approved other colors that were just as non-neutral.

Ms. Link noted that the blue in the illustration was more saturated than in the actual material.

Ms. Bystrom cited 3.6.3 which lists a barber pole as acceptable thus providing an example of non-neutral colors.

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

MM/SC/AR/JH

8:0:0 Motion carried.

070809.22

PDA – Pike Place Market Renovation Project Phase One (Part 1 of 2)

Joe Paar

Ms. Patton reminded Commissioners that any conflict of interest or ex parte communication should be mentioned now.

Final design details:

- Changes to Hillclimb area
- Replacement/expansion of Leland elevator
- Changes to Market Parking Garage for new Central Plant
- Changes to public restrooms
- Expansion of loading dock at Western Avenue level of Fairley Building
- New fire sprinklers in Main Arcade

Staff Report: Ms. McAuliffe explained the application for final design details including: changes to Hillclimb area; replacement/expansion of Leland elevator; changes to Market Parking Garage for new Central Plant; changes to public restrooms; expansion of loading dock at Western Avenue level of Fairley Building; and new fire sprinklers in Main Arcade. She noted that 1) Playground is being designed separately from this project and will be reviewed at a future meeting; 2) The PDA will return in the future for final review and approval of floor tile

replacement in the Main Arcade and also final finishes and details for elevator lobbies; 3) Some elements of this application were withdrawn (see notes below) because the final details are not yet available or the DRC did not have enough information to review the proposal. Exhibits reviewed included plans, photos, renderings, and color and material samples.

Mr. Paar interjected that the historic light fixture was not withdrawn and they wanted it to be voted on today.

Ms. McAuliffe asked if the applicants brought all the information requested by the Committee.

Mr. Paar said they brought the information that they have that they will present and that they need to get a decision “up or down”.

Guidelines that applied to this application included:

### **Hillclimb**

Playground fence: pp. 26-33. Guidelines: 3.1; 3.1.2; 3.2.3.

Historic light fixture restoration: p. 34. Guidelines: 3.9; Preservation Brief 27- [DRC did not have enough information to review the proposal; committee has requested additional information: construction drawings, confirmation on remaining historic material, method of cleaning and method of attaching restored section.]

New light fixtures: p. 5. Guidelines: 3.5.1 – verify type & wattage of fluorescent bulbs; 3.5.3.

Railings: pp. 26-30. Guidelines: 3.1, 3.1.2; 3.2.3; 3.9.9.

New gate at Western Avenue: p. 15. Guidelines: 3.1; 3.2.3

New Hillclimb benches: p. 31. Guidelines: 3.1; 3.1.1 – reuse of material; 3.2.3; 3.8.1.

LaSalle window changes (three windows): pp. 16-24. Guidelines: 3.2.6 – sample of window film needed.

Landscaping (tree and plant species): pp. 6-7. Guidelines: 3.1; 3.8.1.

New fixtures, tile repair/replacement, finishes: Hillclimb bathrooms: pp. 45-50. Guidelines: 3.1; 3.1.1; 3.1.2; 3.5.1 – verify type & wattage of fluorescent bulbs;

### **Replacement/expansion of Leland elevator**

**Withdrawn:** New elevator lobbies: pp. 35-40. Guidelines: 3.1

**Withdrawn except for relocation of “Finger sign:** Wall treatment; relocated/new signage -Western Avenue level: pp. 35-40. Guidelines: 3.1, 3.6.

**Finger sign: Meets 3.6.2**

### **Changes to Market Parking Garage**

**Withdrawn:** Fence around cooling towers: pp. 41-44. Guidelines: 3.1, 3.2

### **Public Restrooms**

North Public and South Fairley restrooms: pp. 45-50. Guidelines: 3.1; 3.1.1; 3.1.2; 3.5.1 – verify type & wattage of fluorescent bulbs; 3.2.12 – continuity in flooring material.

**Storefronts, Western Avenue,**

New storefront at 1514 Western (approx. address): pp. 51-53. Guidelines: 3.4.1 b.

New storefront at former electrical vault: pp. 51-53. Guidelines: 3.4.1 b.

New south facing portion of storefront at 1500 Western Avenue: pp. 51-53. Guidelines: 3.4.1 b

**New Fire Sprinklers, North Arcade**

Pp. 54-56. Guidelines: 3.2.15 – existing “clean” ceiling justifies concealing sprinkler pipes; 3.9.2; 3.9.10.

DRC Report: Ms. McAuliffe said that the Committee cited guidelines 3.1; 3.1.1, 3.1.2; 3.2.3, 3.2.6 – sample of window film needed, 3.2.15, 3.4.1 b, 3.5.1, 3.5.3, 3.6, 3.6.2, 3.8.1, 3.9, 3.9.2, 3.9.9, 3.9.10 and recommended approval with more information on lighting plans.

**Applicant Comment:**

Duncan Thieme, project architect, explained the Hillclimb area is being excavated now for the equipment vault. Concealing the vault will be a plaza in this area, with a playground, and staircase – lined with plantings to bring the character of the Market to the space below. There will be a place for public postings. He went on to describe the Playground fence and said it will be 6’ tall and designed to prevent climbing with pickets no larger than 3’. They obtained input from the Childcare facility on what was considered “non-climbable” and appropriate. It will be galvanized steel with a slightly worn finish and he pointed out on the drawing where it will go.

Mr. Rolluda presented the DRC report for the Playground fence portion of the application and said the Committee cited Guidelines 3.1, 3.1.2 and 3.2.3 and recommended approval. With regard to the light he said there was not enough detail and material and information to review the historic light fixture and gave the applicant the chance to come back to provide additional information.

Joe Paar, PDA, said they have the original drawings that were used to build the light fixture and said they would use similar manufacturing techniques. He said there was question about restoration of the cast iron product and he said they are not restoring cast iron; he said it is a steel structure, not cast iron.

Mr. Thieme said he believes it was the intent to restore the light during the 1970s renovation but it was not done. It has been missing for at least 40 years. He said he has seen it in photos and it was a nine ball feature with a custom cast iron fabrication with Corinthian column surround around the top of the capital. He said the DRC is looking for shop drawing level of design detail of how they

would build the cast iron. He said he doesn't have the knowledge of how to design castings to do it and they would have to find an expert craftsperson to design the castings and do shop drawings for their review and approval. He said it is their goal to do a thorough and accurate job using the drawings they have that are from 1908 – 1914.

Ms. McAuliffe noted it was 1908.

Ms. Patton noted this is one place where “function”, “utilitarian”, “humble” doesn't describe the historic design.

Mr. Thieme said the fixture is a glaringly missing piece, but is out of the mandate of work. They want to restore this piece of history. What remains is the concrete base and a very rusty steel column and a few broken attachments where Corinthian ornaments use to hang and conduits sticking out the top. They want to restore it and are contacting the same company that did the Pergola in Pioneer Square. He said they can't commit with more detail until they get bids.

Mr. Paar said that without Commission approval they can't go buy from a contractor because they'll run up expenses. If they buy it and something changes they will incur an unreasonable burden so they need a vote “up” or a vote “down”. If yes, they will build it, if no, they won't do it.

Mr. Rolluda noted DRC's concern is that they are looking at old drawings and not shop drawings from which it will actually be produced. He said without that they really have nothing to approve except an old drawing that may not be relevant to today's production. He asked the applicant to get shop drawings and then come back for final approval. DRC wants to review drawings to make sure it is appropriate.

Mr. Thieme said they would invest money and if not approved it is a problem.

Mr. Rolluda advised the applicant to come back and the DRC would work with them.

Mr. Paar said they can do it as long as it won't cost them any more money.

Mr. Rolluda explained DRC would look at design only and has no jurisdiction over dollars.

Mr. Paar said the Commission actually does and said he has it in the Ordinance where you have to take economics into consideration. He said it needed to be voted up or voted down and they are using the original drawings that were used to build it originally.

Commissioners looked through the packet of drawings.

Mr. Rolluda explained that shop drawings will have more detail and is what the DRC wants to see.

Ms. McAuliffe noted the Ordinance requires the applicant provide dimensioned drawings with a lot of detailed information so the DRC request is reasonable.

Mr. Thieme said there is detail on the 1908 drawing.

Ms. Link noted the drawing contained basic measurements.

Mr. Paar said they would hate to lose an historic element and not do this and told the Commission if they didn't say "yes" tonight it wouldn't happen. He said they can not go out into the public arena and subject themselves to financial risk and he said it is his responsibility to the taxpayers to spend the money in a judicious manner.

Mr. Rolluda reiterated his suggestion for preliminary approval for the light fixture with DRC review later of the shop drawings for final tweaking.

Mr. Paar said as long as it doesn't change their costs. He said they can't go out and buy it and then have changes.

Mr. Rolluda asked why it would change costs if the materials are consistent and noted that nothing would be changing; DRC would just be comparing the original drawings to the shop drawings that will be presented.

Ms. McAuliffe noted that the Committee had asked for additional information.

Mr. Rolluda read from the Staff Report that the "*DRC did not have enough information to review the proposal; committee has requested additional information: construction drawings, confirmation on remaining historic material, method of cleaning and method of attaching restored section*".

Ms. Patton asked the applicant if he had the requested information.

Mr. Paar said it is a concrete pedestal with a steel rusted column, and piece of conduit.

Mr. Thieme said they would clean off the rust, re-prime, and repaint to the existing orange color that they believe to be historic. He said the method of attachment and ornaments gets into the shop drawing detail. He said he can't detail until he is working with the fabricator.

Presentation on the historic light fixture was complete and they moved on to the new light fixtures.

Mr. Thieme went over the new light fixtures and explained there would be two types of pendants, a gooseneck as well as a gooseneck down-light and sconce, and he showed where they would go. He noted areas in which there would be additional lighting for the walking area of the stairs and light fixtures similar in character to the light fixture that has been part of the Hillclimb. He said the typical light fixture takes bulbs that have a color temperature of 2700 Kelvin to 3000 Kelvin range which is in the range of incandescent lighting. He said the new storefront facing south into the plaza will have four gooseneck lamps. He noted there would be several covered down lights in the covered area of Flower Row.

Mr. Rolluda said ARC cited Guidelines 3.5.1, 3.5.3 and recommended approval.

Mr. Thieme went over the two types of railings proposed: the pipe rail type and a mesh infill type railing. They preferred the mesh because it cleans up the details and proposed panels of a galvanized steel mesh infill trimmed by simple steel shapes and infilling the panels. It will have a cleaner, modern expression of a handcrafted railing – responsive to history, but of its time, and not creating a false sense of the craft.

Mr. Rolluda said ARC cited Guidelines 3.1, 3.1.2, 3.2.3, 3.9.9 and recommended approval.

With regard to the new gate at Western Mr. Thieme said earlier iterations showed a wrought iron gate they are now proposing to make a door which will be flush to the wall; this will provide access to the transformer vault from the street without the ability to see in. They will encourage people to paper the door over with notices to make it disappear.

Mr. Rolluda said the Committee looked at 3.1, 3.1.2, 3.2.3 and recommended approval.

Mr. Howard noted it was straightforward and unobtrusive in its location.

Mr. Thieme pointed out where the new Hillclimb benches would go in the proposed small plaza at Western Avenue. The benches will be constructed of wood salvaged wood from the stairs extracted from the Flower Row structure.

Mr. Rolluda said the Committee cited 3.1, 3.1.1, 3.2.3 and 3.8.1 and recommended approval.

Mr. Thieme explained that window film at the LaSalle Building is being proposed to provide privacy for the apartments, because the public stair is right there. He provided a sample of the translucent material for review.

Mr. Rolluda said ARC cited 3.2.6 and recommended approval.

Mr. Thieme went over proposed landscaping and said the board formed concrete would be covered with greenery to green up the walls. The primary species they are looking at is Boston Ivy which will change color with seasons. Wisteria is proposed as well. They propose a specimen tree (large ornamental Maple) in the large planter in the Hillclimb. Several species of shrubs will fill out the planters. He said that they removed some trees that were to have been saved in the process of construction and he apologized for not including the Commission in the discussion. He said, with the concurrence of the City Arborist of SDOT but not with the concurrence of the Market Historical Commission, they selected City trees to replace what was removed.

Mr. Rolluda said the Committee looked at 3.1 and 3.8.1 and recommended approval.

Mr. Thieme provided an overview of proposed changes for the Hillclimb bathrooms and said detailed fixtures were included in the materials provided to Commissioners. They will do a slight modification for accessibility. They will remove all interior walls and wall finishes and will retain and restore the existing floor. They will not remove the ornamental people outside the bathrooms. He went over the materials proposed and said the wall will be white subway tile with detailing in a black glazed pattern. "Meet the Producer" will be spelled out in Morse Code in black tile on the walls. He brought recommended typical light fixture and said it is a compact fluorescent with the 2700 to 3000 kelvent range.

Mr. Rolluda said the Committee cited Guidelines 3.1, 3.1.1, 3.1.2, 3.5.1 and recommended approval.

Public Comment: There was no public comment.

Commission Discussion:

Ms. Bystrom supported DRC's request to look at shop drawings with the belief that when received the PDA has the right to say "this won't fly". She said that all that is being asked is that the Commission is asked to be part of the review process. She didn't think it was a terrible hardship. She asked on what basis are plants appropriate or not.

Discussion ensued about plantings and that it would fit under 3.1 "Character of the Market" and is very broad.

Ms. Shinbo noted to Mr. Paar that he said that the Commission should consider costs or financial impacts and said he was citing something in the Guidelines.

Mr. Paar responded that he had a legal brief up in his office from the original Ordinance that was created and said he heard that the Commission doesn't consider dollars. He said if he could bring down documentation that actually

shows that the Commission does need to consider costs or financial impacts, then the Commission could stop saying that in meetings.

Ms. Patton asked the conversation to be held and that the Guideline Review Committee has spent time reviewing all the Guidelines and will be making a preliminary presentation at the end under “New Business” on that issue. She said the Guideline Review Committee would be very happy to have the legal brief and officially requested it. She said the Committee has a very specific inquiry into that question.

Ms. Shinbo said Mr. Paar can provide that to Ms. Patton.

Ms. McAuliffe explained it was to be provided to Staff.

Ms. Patton asked if the foundry selected to fabricate the historic light fixture was the same one that restored the Pergola in Pioneer Square.

Mr. Thieme said it is one of a few they are talking to. He thought the Pergola was built about the same time as the light fixture.

Ms. McAuliffe explained the light fixture was built first as ascertained by architectural historian Kate Krafft.

Mr. Thieme noted that the bathrooms at the Market were constructed about the same time as the bathrooms buried under Pioneer Square during the AYP.

Mr. Rolluda made a motion to adopt a resolution approving the Hillclimb portion of the application as presented with the proviso that the applicant come before the Design Review Committee to present the shop drawings of the historic light fixture restoration and the DRC will be looking at details in conformance with the original drawings that were brought forth.

MM/SC/AR/JH

8:0:0 Motion approved.

Ms. McAuliffe noted that Mr. Paar had asked for clarification regarding the wall treatments but Mr. Thieme’s presentation would likely cover it.

Mr. Thieme explained the proposal to relocate the neon finger sign three bays down to point to the new elevator.

Mr. Rolluda said the Committee looked at 3.6.2 and recommended approval.

With regard to the wall treatment Mr. Thieme said the general wall treatment for the Hillclimb area is board formed concrete. At the elevator lobbies they proposed to create an environmental graphic wall covering but they have not yet decided on a material or treatment yet. The plan is for the expression of the elevators to be a bold simple expression that people can read clearly. They will

use muted colors but they want the elevators to be noticed. He said they will come back with graphics, materials and colors.

Ms. Patton noted that the changes to the Market Parking Garage has been withdrawn and directed the applicant to presentation of Public Restrooms.

Mr. Thieme said their intent is to create a simple enclosure around the cooling towers and that they are working with the neighbors.

Ms. McAuliffe stated there was some confusion at some point and said she heard that the South Fairley restrooms may be re-opened as public restrooms.

Mr. Thieme said no. He said their project includes work on two restrooms, one the south public restroom and the other north public restroom. At one time they thought there would be work on all the tenant restrooms.

Ms. McAuliffe advised “South Fairley” restrooms be removed from the application and noted that all that is being reviewed are the north public restrooms in the Fairley Building which includes a vestibule and finishes, fixtures.

Mr. Thieme said similar to the south public restrooms they are doing a full replacement of plumbing and to redress the finishes. Their intent is to create two new sets of public restrooms elsewhere and they want to create a language of public restrooms in the historic fabric of the Market; he said they will use the South Fairley public restroom palette and reinterpret it to a new condition. He said they proposed to revise the entry because it has sight line issues; they propose a new element that would stick out a bit. They will refinish the interiors and the restrooms will be ADA accessible. The same palette will be used, as will the same Morse Code pattern “Meet the Producer”. The general floor pattern will be a white porcelain hexagonal tile with some detailing in black. They will create a floor mat at each entry “XX” and “XY”. At the entries they propose a hexagonal wall tile with the international symbols for men and women. Mr. Thieme confirmed the lighting wattage to be the same as presented earlier in this application.

Mr. Rolluda said the Committee cited Guidelines 3.1, 3.1.1, 3.2.2, 3.2.12, 3.5.1 and recommended approval.

Mr. Thieme went over store fronts on Western Avenue and directed Commissioners to the packets which show two areas of store fronts they are proposing to replace and one store front that is new.

Ms. McAuliffe asked if the new store front is at the former electrical vault. She asked Mr. Thieme to point out where they are for the Commission members and to explain the store front that relates to the loading dock.

Mr. Thieme said at the existing electrical vault they propose a façade that continues the pattern of the Western Avenue façade. They will use insulated glazing. He responded to DRC request for details and said they tried to match all details with as much fidelity as possible. They will use all wood materials – no aluminum. He said they propose simulated divided lights.

He continued on to the 2<sup>nd</sup> store front and said they will demolish the old Madame Lazonga's Tattoos space and expand the loading dock to increase the area to store recyclables. They will relevel the interior area and create a ramp at the north end as opposed to the south end, , so that there will be an accessible route from the street to the elevator. The ramp will come up to dock height and the path will come up to the top of the dock and over to the elevator. They propose demolition of Madame Lazonga's store front. Currently the dock is unsecurable; there are two large coiling doors that come down and cover the entire loading dock area. They propose to do a replica façade very similar to the character of the facades that are around it with a pair of man doors that offer access into the dock so it can be secured and closed off in the evenings. He said the design for that is shown in his set (of drawings). He showed the existing Madame Lazonga space and said they propose large pair of doors with clerestory windows in the same basic detailing as the balance of the façade.

Ms. McAuliffe asked if in this case they are matching the design proposed with non true divided lights.

Mr. Thieme confirmed they would have simulated divided lights. He confirmed it is a new design - large doors rather than the single doors. He said in the Parrott Shop they demolished the store front previously facing the west. They hope the storefront will develop a lot of activity into the plaza. They designed in a similar pattern of detailing, but with a different style of opening, a pair of bi-fold doors with clerestory above. The intent is to let the façade open up completely to allow a variety of use.

Mr. Rolluda said the Committee cited Guidelines 3.4.1 b and recommended approval.

Mr. Thieme explained the intent to upgrade the life safety system and said that the area lacks sprinklers. He also explained the intent to bring it up to code. The sprinkler systems will be concealed behind gypsum wall board. They will follow the pattern of what was done in Flower Row and the balance of the Arcade.

Mr. Rolluda said the Committee cited Guidelines 3.2.15 and 2.9.2 and recommended approval.

Public Comment: There was no public comment.

Commission Discussion:

Mr. Howard cited 3.8.8 and said the design on the doors doesn't indicate a public access, the ADA access into the ramp and the elevator. He said it is important access and he didn't think the design conveys or reflects that. He expressed concern that, in the functional operation of the door, that doesn't look like an entry door. He said that it could easily shift to a utilitarian role and use by the public. It could be diminished or disappear because people aren't aware that it is there. He noted that, on the Western store front details, the mullion (muntin?) details are simulated divided lights for the transoms as opposed to true divided lights. He said, per the Secretary of Interior Standards, we are required to replicate and replace in kind, and that simulated details are not necessarily an in-kind replication. For something that is as straightforward as a wood sash window, having it as true divided light makes it much more repairable in the future, rather than a static element that, when it breaks down, has to be replaced rather repaired.

Mr. Thieme pointed out this is the existing elevator that goes up and emerges at the garbage area and not the one that emerges at the Rotary Grocery. He said the existing elevator has always been like a back door and it wasn't originally intended to be a primary public entrance, but a service elevator that got "tasked" as such. Their intent is to create a new true public entry and maintain this as a back door expression and they felt it appropriate not to advertise it. Their emphasis is on the Hillclimb as front door. He showed on the drawing where the elevators are.

Mr. Paar said the doors are open in the day time and the only reason the doors are there is to secure it at night.

Mr. Howard said his concern is getting back to the nature of public access to and from the Market.

Ms. McAuliffe noted the appropriate Guideline was 3.8.6 rather than 3.8.8.

Mr. Howard continued that it is helpful to know that it is a different elevator and voiced approval that the doors do stay open and that the signage reflects that.

Mr. Paar said they have gone to a lot of design expense to make the elevator ADA compliant.

Ms. Patton asked for any discussion or comment on the simulated divided lights.

Ms. Bystrom clarified that the simulated divided lights are not little panes but a single pane with things taped on.

Mr. Paar said it is exactly the same as the new Lowells' windows they just put in – big pieces of glass.

Ms. Patton said that the Commission has heard from applicants and heard that the first level windows on the street have special considerations for them, because they are so tangible, touchable, and observable to the pedestrians.

Mr. Rolluda agreed and said it really does make a difference.

Mr. Paar agreed he would amend the applicant to go to true divided lights.

Mr. Thieme said he agreed that true divided lights are more appropriate.

Ms. McAuliffe advised to note on the drawings that they are true divided lights.

Ms. Link made a motion to adopt a resolution to approve this portion of the application as amended by the applicant.

MM/SC/KL/SH 8:0:0 Motion approved.

**070809.3 APPROVAL OF MINUTES:**

June 24, 2009

MM/SC/SS/VB 8:0:0 Minutes approved as amended.

**070809.4 REPORT OF THE CHAIR**

**070809.5 REPORT OF STANDING COMMITTEES:**

Mr. Rolluda said the DRC had visited Victor Steinbrueck Park and looked at the Hot Dog cart and said the location was appropriate.

Ms. Patton noted that the initial approval of the Use has been appealed to the Hearing Examiner.

Ms. McAuliffe said it is not clear if the appeal is both or just the Use. She said there is nothing in the Ordinance that states that the applicant cannot go ahead and operate while it is under appeal.

**070809.6 STAFF REPORT**

**070809.7 NEW BUSINESS**

Ms. Patton explained the briefing on the west façade windows application has been postponed to July 22. She reminded members that the August 12 meeting is cancelled as well as the August 5 URC/DRC meetings. The next meeting will be August 26.

She said the Guidelines Revision Committee met with the specific plan to review the guidelines all of the areas where economic and cost considerations appear in the Guidelines. A preliminary report was sent out and the Committee is still in the

process of looking at them and understanding some unifying concepts. She said that sometimes when the Guidelines use the term “economic” they are talking about the fact that the “economic character of the Market” meaning that it is a place where local people and low income people should be able to find their needs. She said they also saw another element that sometimes called “economic” that talks about the need for the Market to continue to be a thriving business atmosphere – market. She said the area where the cost of new construction/repair/replacement/restoration was an important factor and the Committee did characterize the guidelines that referred to those aspects of costs and economics. One that she brought to the attention of Commission members is in the last paragraph of 3.9 which she read from. She said that sentence modifies all of Guidelines 3.9.1 through 3.9.10) and said that the Guideline Review Committee decided that we probably need a bit more information and guidance on what that means because it is pretty broad. She said attached to the preliminary report provided to Commissioners is a paper from the State Preservation Office from Michigan which provided helpful information that provides discussion of issues and questions that a Commission might ask when dealing with these types of questions. She said they are also working with Ms. McAuliffe to abstract from the Secretary of Interior Standards and Guidelines for Rehabilitating Historic Buildings and the National Parks Series of Preservation Briefs which are all incorporated. Ms. Patton said that document is incorporated into the Guidelines by 3.9 and changes. She said preliminary review there is very good information on how Commissions should take those economic and technical feasibility considerations in its deliberations. She is hopeful they will come back with some clarification because they have been going back and forth between very explicit guidelines and this not quite as clear understanding from our guidelines of how to take those elements into considerations.

070809.71 PDA briefing – Fairley/Leland west façade windows application  
Joe Paar

PDA response to Commission questions about the application. (Postponed from June 24, 2009)

*Briefing postponed at the request of the PDA.*

7:00 p.m. Mr. Howard made a motion to adjourn the meeting. Ms. Link seconded.

Respectfully submitted,

Heather McAuliffe  
Commission Coordinator