



The City of Seattle

Pike Place Market Historical Commission

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MINUTES

MHC 58/08

Wednesday, April 23, 2008

4:30 p.m.

PDA Meeting Room, 85 Pike Street, Room 500

COMMISSIONERS

Howard Aller, Vice Chair

Marilyn Bierman

Valerie Bystrom

Joanne Herron

Spencer Howard

Susan Lane

Karin Link, Chair

Sara Patton

Sharron Shinbo

Susan Zuege

STAFF

Heather McAuliffe

Melinda Bloom

ABSENT

Alex Rolluda

Allyn Stellmacher

4:33 p.m. A quorum was present and the meeting was called to order by Karin Link, Chair.

042308.1 APPLICATIONS FOR CERTIFICATES OF USE APPROVAL

042308.11 Victor Steinbrueck Park – temporary uses and programming
Victoria Schoenburg, Seattle Parks Department

Application: Temporary use approval for the following uses and programming from June 1 – September 30, 2008:

- Evening concerts from 6:00 p.m. to 7:30 p.m. on a weekly basis
- Early morning exercise classes
- Single and duo musicians and performers (lunchtime, evenings from 5-6:30 p.m.)
- Two food vendors to operate daily at the northwest corner and south end of the park

Ms. McAuliffe provided the relevant background. The Commission approved a pilot program last year for the end of June through October 2007. The program included some of these same elements. The Commission acknowledged that there was a conflict between the concerts proposed after 6 p.m. and Guideline 2.11.5, which restricts the times when music may be performed in the park. The Commission informed the applicant at that time about the conflict but approved the application since it was a temporary use. The Commission suggested that the Parks Department propose some new language for the guidelines that would allow music past 6 p.m. in the park. If it seems appropriate after this second pilot program, the Parks Department intends to present proposed new language for the Commission's guidelines related to Victor Steinbrueck Park this fall. Last year 15 concerts were booked in August and September (three were rained out). This year the Parks Department hopes to have concerts on a weekly basis, June through September. Currently five in August are planned, and this may expand. Last year the concerts were scheduled 5:30 to 7:00 p.m.; this year they are being shifted to 6:00 p.m. to 7:30 p.m. The park is located in Zone 3 at street level, where all uses are permitted. The proposed temporary uses would be Food f and Other Uses a & c. The new use that has been included with the proposal is for up to two food vendors in the park. The food vendors would be in the park daily, not in conjunction with special events only. Guideline 2.11.5 prohibits concessions in the park. This does not mean that food vendors per se are prohibited in the park. There is no definition of "concessions" in the Guidelines, but it is defined in most dictionaries as "a subsidiary business granted a privilege to operate within certain premises." "Subsidiary" is further defined as a company that is completely controlled by another company. The applicant will return with the individual food vendors for approval. There will be no loud and repetitive rhythmic programs such as some types of global pop, drum groups, highly amplified rock, etc. The concerts will be no more than once a week and held on a stage to be set up at the west side of the park. Exhibits reviewed were supplemental written information from the applicant and the Commission's approval of the 2007 pilot program, MHC 96/07. Guidelines that applied to this application included 2.9 and 2.11.

URC Report: Ms. McAuliffe stated that the Use Review Committee had reviewed the application and had cited Guidelines 2.9 and 2.11.5. The Committee had recommended approval with further discussion by the full Commission of the food vendor proposal.

Applicant Comment: Kevin Bergsrud from the Parks Department was present on behalf of the applicant, Victoria Schoenburg. He said they hope to get more activities into Steinbrueck Park and look forward to a season of activities.

Public Comment:

John Mason, a resident who lives in Market Place North, a condominium building located east of the park, distributed a letter to the Commission. He said he has no problem with the proposal to include food vendors and appreciates efforts to make the park a better neighbor. However, the park has been a noisy neighbor with

people playing bongos, amplified guitars, bagpipes, trumpets, etc. There are also a number of permitted concerts and choirs, all oriented toward the condos. He is in opposition to concerts in the park and is concerned about yet more noise as it is an imposition to the nearby residents. If it is approved, he asked that mitigating steps be taken to reduce the noise such as concerts that are not amplified; to have sounds pointed toward water rather than apartments; and to ensure adherence to time limit. He referred the Commission to the letter he had distributed.

Dave Martin, owner of the Champion Building and a Market business, Taxi Dog, spoke in support of the application; he said more activity is necessary to help the overall vitality of the park. The concerts are scheduled for only four months out of the year for 1 ½ hours and is a temporary use rather than permanent. He has no issue with food permits as long as they comply with MHC-acceptable use: the use can't park on the street and has to be self-contained and be a start-up business. He said that Taxi Dogs has no intention of moving into the park for four months as it is a huge undertaking for food vendors and recommended simpler things like popcorn and snow cones. He referred to Friends of Victor Steinbrueck Park and said many of them think activities in the park are good; the park needs more input from vendors as well as neighbors. He recommended approval.

Dave Jacobs, resident of Market Place North and very active in Friends of Victor Steinbrueck Park, said his opinion is somewhere in the middle of the previous comments. He lives directly across the street from the park and his front window is about 150 feet from the sound stage; between the sound checks and the traffic, the activity associated with concerts is intrusive to neighbors. Had they received better notice from the Parks Department, more residents would have come to the meeting to speak on the issue; he only found out about it yesterday because he just happened to look at the MHC agenda. While he is appreciative of the Parks Department's desire to increase activity in the park and agreed that activities play a role in improving the health of the park, he said it is not an end solution and is no substitute for vigorous law enforcement. A couple concerts are fine but one a week for the entire summer is a tough load for the residents and local community; he does support the other activities.

Commission Questions:

Ms. Shinbo asked the applicant if he had any responses to the concerns relayed, particularly related to the noise.

Mr. Bergsrud acknowledged that amplifying the sound would add a layer of noise to the ambient noise but stated that amplified sound is critical for the success of the small concerts that are planned; without that it would be difficult to attract performers and/or attract audiences to the concert to achieve the goal to add more positive attendees to the park. The types of acts have not been determined yet so perhaps the type of music scheduled could be taken into account. As far as other aspects, in his letter Mr. Mason asked that the sound be directed toward the west; he doesn't know if that is feasible but they can look at it. From being in the park

it puts anyone who attends the concerts at a disadvantage because that is where a lot of traffic noise comes from so the sound needs to come from a bit higher so the attendees can hear it.

Ms. Shinbo asked if the concert, including the sound checks, could be kept to the 1 ½ hour limit.

Mr. Bergsrud said there is difference in scale when comparing this to Pier 62, 63 concerts that book major musical acts. The scale of the concerts in the park will be smaller and he isn't sure how long they will need for sound checks; having the sound check time built into the 1 ½ hour would cut the concert to an hour or less and he isn't sure that is viable for performers or viable for getting people into the park and would not be conducive to achieving the goal.

Ms. Herron said in the application states that feedback was collected from the Friends of Steinbrueck Park and asked the applicant to confirm that.

Mr. Bergsrud said he could not answer that, his manager with Center City Parks would have that information.

Ms. Patton said she saw three potential problems with the application based on the MHC Guidelines. First, MHC approved a pilot program last year; the Guidelines are clear that the events with music are limited to three hours between the hours of 12:00 noon and 6:00 pm; if the rules were to have been changed, it should have been proposed after the pilot. She said it is dangerous ground for the Commission to approve a pilot that clearly violates Commission rules, not to do anything about it and to then approve another pilot that is against the rules. Second, Guideline 2.11.5 says that electronic amplification is not permitted unless a variance is obtained from the Parks Department; she doesn't know if a variance has been obtained from the Parks Department but wondered if it can obtain a variance from itself.

Mr. Bergsrud wasn't sure and said many of the Parks Department's procedural guidelines were written in the 1960s and 1970s and there was a different system in place for the review of activity in parks. He said there probably was a variance that was obtained at that time period. Now anytime someone has a parks use permit, it is a defacto variance from the Parks Department.

Ms. McAuliffe clarified if because the Parks Department is issuing it, it would be de facto.

Mr. Bergsrud confirmed that it would be.

Ms. Patton asked if this was for each one of the events.

Mr. Bergsrud said yes.

Ms. Patton asked staff to make a note that this appears to be a place in which just to stay consistent with Parks Department practice, the guidelines might need to be amended.

Ms. McAuliffe stated that they could be amended at the same time as any other changes and suggested that this specific guideline should be updated clearly.

Ms. Patton said the third potential problem she sees is with the concessions, which are prohibited in the park. She said there is an interesting argument that food vending is not a concession; she disagreed. She said when reading a regulation like this you are supposed to make it make sense and assume that the people who wrote it wrote something that made sense. To read concessions to be a subsidiary business in which a subsidiary is defined by an unknown company that is completely controlled by another company makes this phrase mean nothing in the context of the regulations so she doesn't think it can be accepted as the definition. Simply stated, concession that was a subsidiary of another company, she asked who was the company, if the company is the Park.

Ms. McAuliffe said the applicant would come back with specific proposed uses, specific vendors would have to come in individually to get approval from the Commission.

Ms. Patton said the rules state "concessions are prohibited in the park".

Ms. McAuliffe said they are not defined in the Guidelines.

Ms. Patton said in the Guidelines you use ordinary understanding of the words and you are supposed to make them make sense; there just isn't any room to say that food vending is not a concession. It may be a good policy but she is disturbed that the Commission is talking about several situations with the pilot where something that was absolutely not allowed by the Guidelines was approved and also the concessions in which it is clear that concessions are not allowed in the park. She is not arguing that it is a good idea or not, just she is concerned with not following the Guidelines.

Ms. Link referred to 2.7.2, non permitted uses, that use would create an addition to desirable mix of use.

Ms. McAuliffe stated non permitted use is defined as one that does not meet 2.6 or the zoning; there is no vendor at this time to make that judgment about.

Ms. Patton said it is not a permitted use question.

Mr. Aller stated clearly any food vendor is a concession by the definition of a concession; a food booth is a concession, which is clearly forbidden. Guidelines also state vehicles are prohibited in the park; a popcorn cart is a vehicle. This is two reasons concessions are forbidden in the park; if we were to grant permission

they would have to set up in the park, not roll into the park with a vehicle, which is prohibited. He doesn't see anyway in the guidelines to permit food concessions. He lives in the Market and is aware of the ambient noise; those that live there don't expect silence and expect the noises of the city. The concerts are proposed to run until 7:30 pm which in the summer the sun is still out as if it were mid-day. He has no trouble with the concerts especially if they don't do punk rock or really loud music.

Ms. Zuege said she likes the idea of bringing people to the Market in later afternoon/early evening and thinks it could be beneficial to some of the Market businesses. She wondered if there is a way to make this work also for the nearby residents. Safety wise it is a step but law enforcement is also a step. She likes some of the other proposed activities such as exercise; the Market needs to be a vibrant place for people to come so activities are needed. She would support it if there was a way to make it work in terms of the rules and the concerns local residents brought up.

Ms. Link asked if the applicant would comply with the noise ordinance.

Mr. Bergsrud said they would and said the allowable level was 105 or 110 during the day; he said most concerts will be way under that. He said they will have a voice meter and can check; a vacuum at ten feet away is 80 – 90, it is exponential so gets quite a bit louder. That may be a factor in the type of act booked.

Ms. Lane asked if any programming decisions related to the concerts had been made yet.

Mr. Bergsrud didn't think so; he said it is something Victoria Schoenburg and her staff would handle.

Mr. Aller said 110 is unacceptable to anyone who lives anywhere in the neighborhood.

Mr. Bergsrud said the music has to be loud enough to attract people but not so loud that they don't want to stay in the park.

Ms. Lane asked which day of the week was being specified.

Mr. Bergsrud said Fridays.

Mr. Aller suggested Mondays, Tuesdays or Wednesdays because the cruise ships come in Friday and Saturday, bringing lots of people. He expressed a concern about the additional congestion on those days.

Mr. Bergsrud said they would consider that.

Ms. Bystrom asked if the word "concession" came up in Park guidelines.

Mr. Bergsrud said generally concessions is a usual term that is used for the sale of items from swim diapers at a pool to candy; basically they are bringing a service and/or program that the Parks Department does not normally provide. They are usually providing it at a facility that the Parks Department owns, for example, at Greenlake there are espresso vendors that operate out of Parks buildings.

Ms. Bystrom said by this definition almost anything being bought or sold would be regarded as concession.

Mr. Bergsrud agreed and said the same unit that Center City Parks is in also Concessions and Business Resources who said other seasonal concessionaires operate at Greenlake, Magnuson and Golden Gardens. Parks has a system where people apply, they are interviewed, evaluated and the top applicants are selected for certain locations.

Mr. Howard asked what the original intent behind the guideline prohibiting concessions was; if it was to eliminate or mitigate competition between Park space and the vendors in the PDA area.

Ms. McAuliffe said she has not been able to find for the record why or when exactly it was adopted into the guidelines. She said that Steinbrueck Park became part of the Market Historical District in the 1980s and presumably it was adopted at that time; she suggested that it might have been a Parks rule at that time. She stated that if the Commission wants to allow concessions in the park the guidelines will have to be changed. She outlined the process for changes to the Guidelines.

Ms. Zuege said the Market has incredible foods; instead of concession she would prefer people use the Market rather than concessions.

Ms. Lane asked if the intent was the concessions would be in the park everyday, not just for special events. The period of the application is June 1 through September 30; she asked if the other activities were every day throughout the summer.

Mr. Bergsrud said the concessions would be in the park every day and the other activities would be at least every weekday; the concerts would be once a week; and hopefully they will have musicians and performers in the park every day. Ms. Lane asked what he, as a programmer, like to see as a mix of concessions there and what would the time period be. She said there is a lot available in the Market. The concerts start at 6:00 pm, the Market is closed then. She recommended looking at timing, programming, what type of concessions to make sure it would be sense with the Guidelines. She said she wants to know more, especially the hours.

Mr. Bergsrud said he would have to defer the question of desired mix of concessions to Ms. Schoenburg; it is somewhat open at this point and could be a standard hot dog cart.

Mr. Aller asked if it is possible for the Commission, by voting, to override its own guidelines.

Mr. McAuliffe advised the Commission to discuss the application per Guideline 2.9, Temporary Uses. She read the text of the guideline: "Temporary uses may be approved at the Commission's discretion if the use will occur for less than 12 months". She said that the guideline does not talk about what uses that includes or excludes. She reminded the Commission that during the review of the pilot program last summer, the Commission discussed whether or not the application would have to be in compliance with all the other guidelines to allow the temporary use; she suggested that the Commission entertain the same discussion now. She clarified that if it were a permanent application instead of temporary and someone wanted to do something that is prohibited by the Guidelines, by approving the application the Commission would be violating its guidelines.

Ms. Patton said that Guideline 2.9 does not say anything about allowing a temporary use that does not automatically have to comply with the rest of the guidelines, it just says you can approve a temporary use and it gives discretion to do that. She said her understanding is that you don't have to say it is a permanent change, that you can say it is a temporary change and that it is within Commission's discretion to approve that. She doesn't think it provides any opening to say we can approve temporarily something that would otherwise violate the guidelines.

Ms. Bierman said temporary use is temporary use.

Ms. Patton said you can't approve a temporary franchise or chain.

Ms. Herron said the Commission has the discretion to approve something that is less than 12 months.

Ms. Lane said in the past the Commission has relied on that, 2.9 for a temporary use such as this one.

Mr. Aller stated as long as it is less than 12 months, the guidelines are not valid.

Ms. McAuliffe clarified that the guideline allows the Commission the discretion to make a decision on whether or not a use would be allowed on a temporary basis.

Ms. Lane said she was at the Use Committee meeting; their recommendation was to approve the concept of program, holding back any permission regarding concessions until a more complete plan was presented and then make a decision

based on that. She proposed revisiting the Guidelines; if this will be a continuing program activity the Guidelines should allow that to happen in the future. There is merit in this proposal, the Commission approved it last year and since it is back as a proposal it must have had some success. Anything the Commission can do to help make Victor Steinbrueck park a healthy community place, we have some interest in doing that. She proposed taking the concessions part of the application off the table.

The Commission agreed there was no problem with the other aspects of their proposal.

Ms. Link asked if the applicant was willing to table or withdraw the concessions portion of the application pending further information.

Mr. Bergsrud agreed as long as it would be under strong consideration in the future. Their experience at Freeway Park is that the vendor is important to having eyes on the park. He said there a many different elements Center City Parks initiative has gotten funding for and is starting to put into action such as the Park Ranger program which will be coming on line starting in May. The Rangers will be uniformed and will provide a friendly face to parks; lots of efforts have been made to hire people who know the law, enhance public safety but more to provide the friendly face.

Ms. McAuliffe said either the Commission could table the food vendor portion of the application or else the applicant could withdraw it and come back with a proposal that meets the guidelines. She asked if, other than the food vendors, could the Commission approve the other parts of the application as a temporary use. She asked the Commission to provide feedback to the applicant regarding the proposed temporary uses and whether or not they were something the Commission could approve as a temporary use or if they would be in violation of the guidelines.

Mr. Aller advised the applicant not to come back and expect the Commission to treat this (the food vendor proposal) better; he considered this is a prohibited use. He doesn't think the Commission should be second-guessing itself and that using temporary to overcome forbidden is a bad idea.

Mr. Howard referred to Guideline 5.4, which provides a definition for Concession: "An exclusive right to operate a business upon government-owned property."

Ms. Patton asked if this is considered government-owned property.

Ms. McAuliffe said it is.

Ms. Link said this was not necessarily something you would have a right to operate.

Ms. Lane reported at the Committee discussion the Committee suggested Ms. Schoenburg might want to look at talking with Market merchants and invite them to provide service in addition to their relation to the Market which might be a useful way to keep Market people involved. She was hoping to hear something today that would respond to that.

Mr. Bergsrud said they have already identified folks in the Market that might be open to that because it is a financial risk; there is the time involved, equipment, license and permitting.

Ms. McAuliffe said he could come before the Use Committee to get feedback.

Ms. Herron said the Committee had concerns with setting up new concessions stands across the street from the Market was somehow not right.

Ms. McAuliffe suggested separate motions; she asked the applicant if he was willing to withdraw the vendors and come back to meet with the Use Committee.

Mr. Bergsrud said he was.

Ms. McAuliffe confirmed to the Commission that the food vendor portion had been withdrawn from the application.

Mr. Aller made a motion to adopt a resolution to approve the portion of the application dealing with evening concerts.

MM/SC/HA/SL 8:1:0 Motion approved. Ms. Patton opposed.

Ms. Bystrom asked if a motion could be made to meet with the Parks Department to discuss the Guidelines to fashion something that works because this is clearly not working.

Ms. Herron made a motion to adopt a resolution to approve the early morning exercise portion of the application.

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

Mr. Aller made a motion to adopt a resolution to approve the portion of the application dealing with single and duo musicians and performers.

MM/SC/HA/SL 8:1:0 Ms. Patton opposed.

The Commission discussed the process to work on the Guidelines; it was agreed this would be taken up under new business.

042308.2 APPLICATIONS FOR CERTIFICATES OF USE/DESIGN APPROVAL

042308.21 Market Galbee
1505 Pike Place, Leland Building

Application: Change of ownership and change of use for a business specializing in 80% Korean BBQ (Galbee) and Korean fast food, with 20% supplemental Thai offerings. Drinks to consist of fountain soda (no cans or bottles), fountain lemonade, fountain fruit punch, fruit juice, teas, coffee, bottled water, bubble tea, and smoothies. Business to include catering service.

Staff Report: Ms. McAuliffe provided relevant background: the space is Zone 1, street level, Food a-b uses permitted. Former use was Food b (minor) and Food f (major): Zabb Thai - a takeout restaurant and deli and the new use would be Food f. Space is 605 square feet. Proposed ownership structure is a corporation. The corporation, EWSN Investment, Inc., is 50% owned by John Chung and 50% owned by his wife, June Chung. Neither has a financial affiliation with another business. John Chung will be onsite regularly at the business and June Chung will be working there part-time.

Exhibits reviewed were the site plan, written description of ownership interest and role in the business operation, annual report for EWSN Investment, Inc., business concept information from John Chung, Menu, and the Zabb Thai approval, MHC 27/06.

The following Guidelines applied to this application: 2.10, 2.1, 2.4, 2.5, 2.6 and 2.7.

URC Report: Ms. McAuliffe said the Use Review Committee reviewed the application and cited: 2.10.1, 2.10.2, 2.10.3, 2.10.4, 2.1 (1st paragraph), 2.1.2, 2.1.3, 2.1.4, 2.4 Zone 1; street level; Food a-b permitted; 2.5.1 f-non-permitted; 2.6, 2.7.2b, c & d. The Committee recommended approval.

Applicant Comments: John Chung described the products they would provide; they will provide BBQ and he said it will be like a Korean festival and they will attract passersby. It is a family business; they are thinking of moving their residence close to the Market.

Landlord Comments: Cecilia Hall said they are in full support of the application.

Public Comment: There was no public comment.

Commission Discussion:

Ms. Lane said the URC recommended approval, referring to guidelines 2.4, 2.5; priority of Market uses, and it met all of 2.6. She said that location has hosted

several other food operations there, and they felt they could approve it; she recommended the Commission approve it.

Mr. Aller asked if they would be grilling onsite.

Mr. Chung said yes.

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

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

DESIGN: Application: Minor remodeling and installation of business signage.

Staff Report: Ms. McAuliffe directed the Commission to review the following elements:

- Remove existing steamer
- Install two folding counters
- Installation of juice dispensers
- Replace menu board
- Replace business sign

She distributed a floor plan, photos, drawing, catalog cuts, method of attachment for the signs, and color/material samples; The following Guidelines applied to this application: 3.1, 3.4 and 3.6.

DRC Report: Ms. McAuliffe stated that the Design Review Committee had reviewed the application and cited 3.1 - 2nd paragraph, 3.1.1; 3.4.3a, b, & e; 3.6.1, 3.6.2 and 3.6.3. The Committee recommended approval.

Applicant/Landlord Comment: Cecelia Hall brought additional photos and measurements of the proposed counters which are proposed to be 12"; she explained that when the counters were out there would still be 4' between the counter and adjacent business.

Public Comment: There was no public comment.

Commission Discussion:

Mr. Aller asked about the ice dispenser that had been left from previous owner; since canned drinks aren't planned to be sold, how will this dispenser be used.

Ms. Hall stated they will sell some canned, bottled juices and water, just not canned soda.

Ms. Link said the plan hasn't really changed much from what was there previously.

Mr. Aller asked about the height of the counter being used; it is table height and he didn't know that it would be conducive to standing and eating.

Ms. McAuliffe stated it is a counter and is not adding seating; people stand; Uli's had the same set up and later added stools. She asked the Commission to tie any comments to the Guidelines.

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

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

042308.22

Corner Produce

1500 Pike Place #12, Corner Market

Application: Use: Expansion of use for a retail store specializing in the sale of fresh fruit and vegetables. Expansion of use for cut fruit/fruit salad mix and cut vegetables/vegetable medley. Expansion not to occupy more than 5% of display space.

Staff Report: Ms. McAuliffe provided the relevant background for the site which is in Zone 2, street level, Food a-e uses permitted; former use was Food a & b, new use would be Food a & b, the space is 800 square feet. Exhibits reviewed included a site plan, supplemental written information and menu, MHC 04/06, photos and design exhibits. The following Guidelines that applied to this application were cited: 2.1, 2.8.

URC Report: Ms. McAuliffe reported that the Use Review Committee reviewed this application and determined it complied with Guidelines 2.1, 2.8.1 a, b & c. The Committee recommended approval.

Application Comment: Robert Klein, owner, explained that he is proposing to have cut melons, fruit which would be displayed in a case to keep it fresh. He said he loses a lot of fruit on the south and west sides; the sun blasts on the stand. If the awnings are brought down to protect, it isn't workable. The idea is to utilize fruit that would otherwise go bad and provide cut fruit to save it. Summertime is the time he makes his money to make it through the winter. He will invest money in doing the renovations and bringing in the display case. The design is sensitive so as not to take away the feel of the Market. He plans to frame with wood nicely, paint it green, and make it look like it is supposed to be there.

Ms. Lane asked if he planned to do the same with vegetables.

Mr. Klein confirmed that they will do vegetables as well.

Landlord Comment: Matt Holland from the PDA said the landlord is in approval.

Public Comment: There was no public comment.

Commission Discussion:

Ms. Bierman asked if the cut up fruits and vegetables would be under refrigeration.

Mr. Klein said yes; they need to be under refrigeration to prevent spoilage, salmonella.

Mr. Aller said it is a very narrow corner and asked how much of the corner will the cases take. He pointed out that the stand is across from the sign "Meet the Producer"; he asked the applicant if he will only sell fruits and vegetables that he cuts up himself.

Mr. Klein said he has 130 varieties of fruit and produce on the stand. There is not one that he has that he can't cut right there. His intent is not to lose money on produce that goes bad. He will have a person cutting produce on site and will be only selling his own produce.

Ms. Lane said she thought it to be a minor change of use. She made a motion to adopt a resolution approving the application as presented.

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

DESIGN: Application: Minor remodeling and painting. Ms. McAuliffe stated that the following items would be reviewed:

- Reduce length of "grape" table
- Install refrigerated display case
- Replace display/storage stand with prep table/shelves and install backsplash
- Add food/prep sink
- Paint walls within stand white
- Enclose ceiling above new prep sink area

She distributed a site plan, photos, floor plans, elevation, catalog cut and a color sample. The following Guidelines that applied to this application were cited: 3.1, 3.2, and 3.4.

DRC Report: Ms. McAuliffe reported that the Design Review Committee reviewed this application and cited conformance to the following guidelines: 3.1 2nd paragraph, 3.2.1, 3.2.15, 3.4, 3.4.2a, 3.4.3 a, b & e. The Committee recommended approval.

Applicant Comment:

Robert Klein, owner, reviewed the plan with the Commission. He said his plan is to reduce the size of the pear table on the west end of the stand. The display case is 44 1/2" wide; the pear table is 96" long. The grape table will be reduced by 1/2 to make room for the display case. The fruit will go up to the glass, with the display case in the back. Behind the pear and grape table there is already a display case that stands about 7' high and is 2' wide. The display case is just 2" taller than the grape table. He will not push out into the sidewalk. Visibility into the space will not be impacted. He showed where the prep table will be placed and where a 2' w x 4' prep table and a separate sink for washing the fruit. The side wall will remain green and the prep table area will be white, the ceiling will be white; everything else will be Market Green. The health department requires that there be no open ceilings above food prep area. He will close off the area above the display; the ceilings are about 10' high and will not be visible.

Ms. Link asked if the Guideline refers more to the timber column.

Mr. Howard said it was the timber beams.

Ms. McAuliffe asked is what is being proposed is reversible.

Mr. Klein said it is reversible.

Ms. Patton said 3.2.15 interior should be exposed except when otherwise required by code.

Ms. Link said "timber columns and beams should not be concealed". These are not the big beefy beams, it is just a basic part of the structure.

Ms. Patton said it is the discretion of shall versus should.

Mr. Howard said next door is heavy timbers, he asked about the practical application of closing the ceiling and asked how it will be done with the cables, conduits and wires and asked for additional information. If there are sinks back there, are there any exemptions available through the Health Department since this is an historic building.

Ms. McAuliffe said as far as health code, they have to comply with health code.

Mr. Aller asked if applicant's space impinged onto the sidewalk. He said it is well out of the building line; he is concerned with the sidewalk obstruction and the possibility that applicant will take more footprint than they currently have.

Mr. Klein said since purchasing the business they haven't expanded anything; it is all the same.

Matt Holland from the PDA said the lease shows it is in conformance. He said Mr. Klein has done a nice job with display; the PDA is in approval.

Public Comment: There was no public comment.

Commission Discussion: Commissioners concurred that 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 10:0:0 Motion Approved.

042308.3 APPLICATIONS FOR CERTIFICATES OF DESIGN APPROVAL

Ms. Herron recused herself as one of the owners of Le Pichet and left the room.

042308.31 Le Pichet
1933 First Avenue, Livingston-Baker Building

Application: Construction of a storage closet in the common area/hallway on the First Avenue level of the Livingston-Baker Building.

Staff Report: Ms. McAuliffe noted that the new wall and door to be painted to match the existing color of the hallway. She distributed a floor plan, photos, elevation drawing. The relevant guidelines were: 3.1, and 3.2.

DRC Report: Ms. McAuliffe reported that the Design Review Committee reviewed this application and determined it would be in compliance with 3.1.1, 3.1.2, 3.2.1, and 3.2.11. The Committee recommended approval.

Applicant Comment:

James Drohman said it is dead space and they want to make good use of it.

Landlord Comment: Cecilia Hall said the PDA approved; this will help mitigate storage issue in the hallway.

Public Comment: There was no public comment.

Commission Discussion;

Mr. Aller asked about a steel door near the elevator that was supposed to be there.

Cecilia Hall stated the Clinic decided to not put in the steel door.

Ms. Shinbo made a motion to adopt a resolution to approver the application as presented.

MM/SC/SS/KL

9:0:1 (Ms. Herron recused herself)

Ms. Herron returned to the room.

042308.32

Maximilien
81A Pike Street, LaSalle Building

Axel Mace

Application: Replace off-premise neon sign; install awning over outdoor seating area; approval for sandwich board.

Staff Report: Ms. McAuliffe explained the awning will come out 12 feet from the façade, and that the proposed location for sandwich board is not in the public right-of-way so it does not require street use approval. She said the sandwich board sign will be placed out at 6 p.m. (same as Place Pigalle sandwich board). She distributed site plans, photos, renderings, elevations, catalog cuts, color/material sample. The following Guidelines that applied to this application were cited: 3.1, 3.2, 3.6, and 3.8.

DRC Report: Ms. McAuliffe reported that the Design Review Committee reviewed this application and found it in conformance with Guidelines 3.1.2, 3.2.1, 3.2.8, 3.2.10, 3.6.1, 3.6.2, 3.6.3, 3.6.6b and 3.8.7.

Applicant Comment: There was no comment from the applicant.

Landlord Comment: The PDA spoke in support of the application.

Public Comment: There was no public comment.

Commission Discussion:

Ms. Bystrom asked if the outdoor seating area completely covered by the awning.

Mr. Mace said only a portion of it would be, the rest of the area would have umbrellas.

Ms. Bystrom asked if there is a problem if the elevator comes up.

Ms. Hall said no, it is quite a distance.

Mr. Aller asked if the awning needed any exterior support.

Mr. Macel said if were larger it would need additional support.

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

MM/SC/JH/SH

10:0:0 Motion approved.

042308.4 APPROVAL OF MINUTES:

Commissioners reviewed minutes of March 26, 2008. Ms. Lane moved to adopt a resolution to approve the minutes as corrected.

MM/SC/SL/SH 8:0:2 Ms. Bystrom and Ms. Bierman abstained.

Commissioners reviewed minutes of April 9, 2008. Mr. Aller moved to adopt a resolution to approve the minutes as written.

MM/SC/HA/SL 8:0:2 Ms. Bystrom and Ms. Bierman abstained.

042308.5 REPORT OF THE CHAIR

042308.6 REPORT OF STANDING COMMITTEES:

042308.7 STAFF REPORT

Ms. McAuliffe reminded Commissions if they should abstain if they miss the staff report.

043208.8 NEW BUSINESS

Ms. Bystrom moved to adopt a resolution to move forward with all due speed to revised the Guidelines related to Victor Steinbrueck with special attention being paid to Parks Department input.

Mr. Aller said there are other guidelines that need to be looked at specifically the Guideline that separates food from fast food. He recommended setting up a Guideline Committee.

Ms. Bystrom asked if he would include her motion as part of that.

Mr. Aller said absolutely.

Ms. Patton said it is an administrative procedures ordinance that we are obliged to follow, but to form a committee, you don't need a motion to do that.

Ms. Bystrom moved to form a committee to review necessary guideline changes with special attention being paid to those in Victor Streinbrueck Park.

Mr. Howard said with regard to Victor Steinbrueck Park it seems like there are unresolved issues regarding landowners and residents around that area and also in regards to the language around the guidelines as they go forward and that we don't put two temporary uses at that area. He asked if anything is being done or is Parks going to at any point, present what their usage numbers are and if they have a plan for at the end of September how they want to move forward and what they envision.

He asked if it is something that will require changes to Commission Guidelines, is it something that needs input from the community.

Ms. McAuliffe said at this point she advised them to come back before the Use Review Committee to get some feedback on what to do with food vending and the guideline revision committee can get start getting working on language.

Ms. Bystrom was distressed to hear they'd received no negative comment on the noise and yet we heard comments today.

Ms. Bierman said the Commission has just reviewed the Guidelines and asked how often that should be done.

Ms. McAuliffe said there is not policy; just as the need arises.

Ms. Bierman asked who is appointed to appoint the musicians for Victor Steinbrueck Park.

Mr. Aller said the Parks Department, it is their property.

042308.81

Victor Steinbrueck Park

Susanne Friedman, Seattle Parks Department

Briefing on public process for physical improvements to Victor Steinbrueck Park.

Susanne Friedman, Seattle Parks, said the motivation behind the Market Levy is up to \$2 million for capital improvements to Victor Steinbrueck Park. The \$2 million is a placeholder and they will be doing planning cost estimates to come up with exact dollar will be determined as they move through the process. They are just concluding a public process for the draft strategic plan; they are just concluding the 75th public meeting tomorrow. During the first round of meetings they started with five basic questions which she will adapt for the first round of meetings for Victor Streinbrueck Park. They basically ask "what does Parks do poorly and/or well; what are the threats at the parks, what the opportunities are and what are the long range visions.

Susan Lane left at 6:51 PM.

Ms. Friedman said the meetings will be at the Desimone Bridge, 6:30 – 8:30 pm. The 2nd round of meetings will be to develop what are the common threads and concerns that came out of the first round; the 3rd meeting they will start developing what could be potentially some of the elements that could be in the eventual plan. By plan she means, developing a designed program that when and if the levy is passed, they will be able to move forward with an RFP or an RFQ for a designer or if they will choose to do it in house. She anticipates coming back the Commission after the 3rd meeting to check what kind of design elements MHC may or may not want to

move forward with. As far as public distribution, they sent out informal letters and followed up with flyers, zip code carrier routes for the whole downtown core around the Market and certain data bases of folks who have interest in the area, Department of Neighborhoods, Friends of Victor Steinbrueck Park, Friends of the Park, the PDA, Belltown DSA, the Police.

Ms. Shinbo asked if there was a way for people to provide input without attending a meeting.

Ms. Friedman said all input is weighted equally whether at a meeting, via email, telephone, snail mail, but a timely manner helps.

Ms. Shinbo asked if there was a formal questionnaire

Ms. Friedman said no; she is collecting information but once the website is up and the first meeting is over there will be some concrete items there.

Ms. Bierman asked if the notice would be in the newspaper.

Ms. Friedman said no; she didn't have funding for that.

Ms. Shinbo said it is highlighted on the PDA website.

Ms. Friedman anticipates some constituents that are very focused on specific design issues, others might be more focused on safety; her job between the first and second meeting will be to find the common threads and main objectives and put together.

Ms. Bierman said this is a levy and you want a big voter turnout; she recommended connecting with local organizations to get space in their newsletters, e.g. the League of Women Voters.

Ms. Patton recommended AIA Seattle and would provide a contact.

Ms. Friedman said to email suggestions and she would pass the information off to their PIO. She said they have had a lot of press; usually what happens is they get calls and end up with a lot of free press rather than having to pay \$10,000 for a one day ad.

Public Comment:

Dave Martin, property/business owner said Ms. Friedman has done a wonderful job of getting the information out there; the park is posted; he has posters in his building and up and down Pike Place. He was with Victor Steinbrueck when he put up signboard to save the Market so this is full circle; we're going to save the Market a second time. It is a huge issue; this park is the entry way to the Market, the opportunity to have this \$2 million for the park is huge.

Ms. Friedman asked that they keep the meetings as civil as possible and she will have staff back up from the Superintendent's Office and the Department of Neighborhood's; she is anticipating some contention and passion.

Ms. Link made a motion to adjourn the meeting. Sara Patton seconded.

MM/SC/KL/SP

10:0:0 Meeting adjourned at 7:10 PM.

Issued: May 14, 2008

Heather McAuliffe
Commission Coordinator