

Background Note — Browning Hangar Public Access Recommendation

Accompanies the community-proposed draft recommendation • Not adopted by PIAC or City Council

Why now

In 2024, PIAC recommended that public access to the Browning Hangar be secured by restrictive covenant, pedestrian access easement, or similar means (20240813-004), and that Mueller's covenants be amended to establish permanent public access to landmark sites including the Hangar, even if commercially owned (20241112-005). Those recommendations are now approaching the point of implementation. PIAC's draft annual review for 2025–2026 identifies December 31, 2027 as the Master Development Agreement termination date, lists a mechanism for Hangar disposition among the matters to resolve, and anticipates advising Council on the Hangar's interim management, maintenance, and protection. The August 11, 2026 PIAC agenda included a staff briefing on the process for Mueller covenant changes, and an adaptive reuse proposal for the Hangar was presented to the Historic Landmark Commission's Architectural Review Committee on August 12, 2026.

The gap the draft addresses

A public access right can be satisfied on paper while practical public use shrinks—through limited hours, frequent closures, event bookings, patios and furniture, barriers, or security instructions, none of which necessarily violates a narrowly drafted access easement. Experience with privately owned public spaces in other cities, notably New York, shows that defined areas, posted rules, and real enforcement are what keep such spaces public.

What the draft does

It defines public access at the Hangar in measurable terms: a mapped protected area stating its square footage and share of the covered floor, meaningful public hours, and ordinary use without a purchase. It limits permanent commercial encroachment and considers the cumulative effect of events. It keeps management authority subordinate to public use, bars any commercial tenant from unilaterally setting common-area policy, and bases restrictions on individual users on conduct. It provides for construction periods, requires Council approval for any change that reduces the protections and public posting of all amendments, and calls for enforcement, compliance reporting, and a public complaint process. It asks for a sustainable maintenance and operating plan with clear funding responsibilities, without new obligations for the Mueller POA or its members absent their agreement.

What the draft does not do

It does not choose an owner or operator, oppose compatible commercial uses, or set specific numbers. It asks Council to have City staff translate these requirements into enforceable provisions—through Mueller covenant changes where applicable and other instruments as needed—and to publish them for public review before approval.

Using this draft

The draft is offered as a starting point for commission discussion. Suggested changes are most useful as specific replacement wording, identified against the version dated September 28, 2026.