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BEFORE THE HEARING EXAMINER  
CITY OF SEATTLE

In the Matter of the Appeal of: ) Hearing Examiner File:  
)  
) **R-24-001**  
**SEATTLE PARKS AND RECREATION** )  
)  
From a denial of a Certificate of Approval by the ) **RESPONSE TO FRIENDS OF THE**  
Director, Seattle Department of Neighborhoods ) **MARKET’S MOTION TO INTERVENE**  
\_\_\_\_\_ )

Under Hearing Examiner Rule 5.09(b), a potential intervenor must “demonstrate a substantial interest that the existing parties do not adequately represent.” Friends of the Market’s (“FOM’s”) Motion to Intervene must be denied because FOM fails to demonstrate it has a substantial interest in this appeal that is not adequately represented by Respondent Pike Place Market Historical Commission (“Commission”).

On the contrary, the Commission’s and FOM’s interests are substantially—if not completely—aligned. As FOM explains, the Commission was created in 1971 largely because of FOM’s efforts to preserve Pike Place Market. Motion at 1. Today, two of the Commission’s members must be FOM representatives, SMC 25.24.030.A, and the FOM Board of Directors is partly “composed of former [Commission] members,” Motion at 1. FOM states that it promotes

1 “the preservation, maintenance and stewardship of the Pike Place Market Historical District and  
2 the surrounding downtown community.” *Id.* Likewise, the Commission’s codified purpose is  
3 “the preservation, restoration, and improvement of such buildings and continuance of uses in the  
4 Historical District, ...” SMC 25.24.030.C. Confirming that the Commission’s and FOM’s  
5 interests align, FOM states that its “substantial interest is for the [Commission] to continue as an  
6 effective and respected adjudicator of design and use applications in the Pike Place Market  
7 Historical District.” Motion at 1. The Motion does not explain how the Commission will not  
8 adequately represent that interest.

9         The Motion should also be denied under Rule 5.09(c), which requires that the Examiner  
10 “consider whether intervention will promote resolution of the appeal on its merits, unduly delay  
11 the hearing process, expand the issues beyond those stated in the appeal, or prejudice a party.”  
12 FOM’s intervention does not promote resolution of this appeal because, as explained above, the  
13 Commission already adequately represents FOM’s interests. Additionally, intervention would  
14 cause undue delay because FOM’s activities in this case—e.g., briefing, calling witnesses, cross-  
15 examining witnesses, etc.—would be unnecessarily duplicative of the Commission’s defense.<sup>1</sup>  
16 Finally, and relatedly, FOM’s intervention would prejudice Appellant because Appellant would  
17 be forced to needlessly prepare responses to two substantially allied parties instead of one. In  
18 contrast, FOM will not be prejudiced if the Motion is denied because, again, the Commission’s  
19 interests align with FOM’s. Moreover, the Commission could call FOM representatives as  
20 witnesses at the hearing.

21             Accordingly, FOM’s Motion to Intervene must be denied.

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<sup>1</sup> Per Rule 5.09(c), the Examiner could limit the nature and scope of the intervenor’s participation. But limiting participation here would beg the question of why intervention was allowed in the first place.

1 DATED this 7<sup>th</sup> day of February 2024.

2 ANN DAVISON  
3 Seattle City Attorney

4 By: /S/ MAXWELL BURKE  
5 **MAXWELL BURKE, WSBA#49806**  
6 Assistant City Attorney  
7 701 Fifth Avenue, Suite 2050  
8 Seattle, Washington 98104-7097  
9 Email: maxwell.burke@seattle.gov  
10 *Attorneys for Appellants*  
11 *Seattle Parks and Recreation*

12 **CERTIFICATE OF SERVICE**

13 I hereby certify under penalty of perjury under the laws of the State of Washington that  
14 on this date, I caused to be served a true and correct copy of the foregoing document, **Response to**  
15 **Friends of Market's Motion to Intervene**, on the parties listed below and in the manner indicated:

16 Daniel Mitchell ( X ) Email: [Daniel.mitchell@seattle.gov](mailto:Daniel.mitchell@seattle.gov)  
17 City of Seattle City Attorney's  
18 Office

19 Minh Chau Le ( X ) Email: minhchau.le@seattle.gov  
20 Sarah Sodt Email: sarah.sodt@seattle.gov  
21 Department of Neighborhoods

22 Margaret Pihl ( X ) Email: margaretpihl1@gmail.com  
23 Friends of the Market

the foregoing being the last known addresses of the above-named parties.

DATED this 7<sup>th</sup> day of February 2024.

/s/ Ianne T. Santos  
IANNE T. SANTOS