

BEFORE THE HEARING EXAMINER

CITY OF SEATTLE

In the Matter of the Appeal of:

SEATTLE PARKS AND RECREATION

From a denial of a Certificate of Approval by
the

Pike Place Market Historical Commission

Hearing Examiner File:

R-24-001

REPLY IN SUPPORT OF FRIENDS OF THE
MARKET'S MOTION TO INTERVENE

Friends of the Market (FOM) respectfully submits that it should be allowed to intervene in this matter for at least three reasons.

First, although they should be, it is not at all clear that the interest of FOM and the Market Historical Commission (Commission) will be aligned in this appeal. To the contrary, the appellate position of the Market Historical Commission may turn out to be at most a tepid defense of its decision. This is true because the same attorneys – the City Attorney's Office – represent both the Market Historical Commission and the appellant Seattle Parks and Recreation (Parks). Even if those lawyers can – and that is not clear – take vigorous opposing positions, the public impression will be that it is the Market Historical Commission on appeal and Seattle Parks and Recreation that are on the same side.

Second, per the enabling ordinance the Commission is provided staff by the Department of Neighborhoods (DON). In 2022, the DON sought to limit the Commission's authority, arguing that it unduly burdened them to have to support the Commission's process. Only a public outcry to the Seattle City Council saved the Commission from being eviscerated. Friends and the members of the public can have no confidence that the DON will present a vigorous defense of the Commission's decision.

Third, at the December 13, 2023 hearing before the Commission, it was FOM, not the Department of Neighborhoods, which presented the facts which persuaded the Market Historical Commission that the request of Seattle Parks and Recreation must be denied. Parks complains that having FOM intervene will "unduly delay" the hearing process. We assume that means that Parks does not want the appeal to examine or consider the evidence and full record that was before the Commission, and upon which it based its decision. The decision itself does not describe the substance of that information – only that the public testimony was overwhelmingly opposed to the Parks proposal. For this appeal to be fairly heard, that evidence

must also be before the Examiner. The only way to ensure that happens is if Friends is allowed to intervene.

It is understandable that two City departments may wish to get along. We understand why from a bureaucratic standpoint it is natural for the Department of Neighborhoods to seek to let Seattle Parks and Recreation do as they wish with Victor Steinbrueck Park. However, it is the Friends of the Market who clarified to the Market Historical Commission why doing so is inconsistent with the Market Historical Commission's purpose and established guidelines that serve to preserve the historic character of the Pike Place Market, and Friends should be allowed to fulfill the same role before the Examiner.