



The City of Seattle

Pike Place Market Historical Commission

Mailing Address: PO Box 94649, Seattle WA 98124-4649
Street Address: 600 4th Avenue, 4th Floor

MINUTES

MHC 138/22

Wednesday, December 14, 2022

4:30 p.m.

Hybrid meeting virtual location: Virtual access on the WebEx platform as provided in the meeting agenda.

Hybrid meeting physical location: Seattle City Hall, 600 4th Avenue, Boards & Commissions Room L2-80

COMMISSIONERS

Sam Farrazaino

Grace Leong

Golnaz Mohammadi

Lisa Martin, Chair

Lauren Rudeck, Vice Chair

Stephanie Young

Leslie Buker

Staff

Minh Chau Le

Melinda Bloom

Absent

Chair Lisa Martin determined that a quorum was present and called the meeting to order at 4:30 pm.

She reminded Commission members to announce any conflict of interest or ex parte communication prior to review of applications.

121422.1 APPLICATIONS FOR CERTIFICATE OF APPROVAL – USE

121422.11 5th Floor Elevator Salon
1501 Pike Pl # 510 Seattle, WA 98101, Fairley Building
Wendell Docusen, Business Owner

Ms. Le explained the applicant was unable to attend the Use Review Committee meeting, and that the Committee felt that the application should be rescheduled to a time where they could hear from the applicant directly.

Ms. Young said business owners need to attend Committee meetings and full Commission meetings.

Ms. Le said the guidelines language supports that.

Administered by the Historic Preservation Program Seattle Department of Neighborhoods

“Printed on Recycled Paper”

The application was tabled.

121422.12

Temporary Seasonal Uses

Marketfront Pavilion: 1901 Western Ave

Public Right of Way: west side of the street on Pike Pl between Pike St and Virginia St
Ivy Fox, Zack Cook, PDA

Ms. Le explained the temporary use of public right of way and public pavilion for seasonal vending and event uses. She said the Pike Place portion of the space is in Zone 1, street level, Food a-b and Retail b permitted and the MarketFront portion is in Zone 3, street level, all uses permitted. Annual recurring use. Proposed use: Food (a), Food (f) Retail (c), such as farmer grown food, other food such as take-away food, and seller-made crafts. Size: NA. Proposed ownership structure: NA. Owner financial interests: NA. Individual vendors and property owner to be onsite for regular day to day operations. Hours of operation: Monday – Sunday. Requested duration: Tree sales area: 1 month; all other areas: 12 months. Exhibits reviewed include project description and site plan. Guidelines that applied to this application include 2.1, 2.3, 2.5, 2.6, 2.9 and 2.11, and conflicts were cited by the URC. The Committee requested an example of 2019 approval for context of this recurring use. An assortment of various from past years was found. The URC recommended presenting to the Commission for approval.

Ivy Fox, PDA said the temporary use is the same application as has been done in prior years. She said it will cover farm overflow, prepared food, craft overflow and the new Marketfront for new business incubation. She said that the short-term scenario was for prepared food vendors to eventually graduate into storefront businesses. She said it will be ADA compliant.

Zack Cook, PDA said this has been done for seven years and that there were no changes requested. He said that they never want to turn a crafts person away if possible, which had happened in the past because there were not enough spaces.

Ms. Fox said temporary use shown at the MarketFront was maximum capacity and will be Friday, Saturday and Sunday.

Mr. Cook said prior to Covid it allowed small local businesses with no brick and mortar location to participate; all qualify under the Washington State Farmers Market Association rules, which is the bar that is used for qualification.

Ms. Fox said the PDA has a long list of requirements ensuring that there is a "leave no trace" experience. She said that requirements include grease mats and that no one hinders the view. Signs are within the business's canopy.

Mr. Cook said they hope to incubate future tenants.

Ms. Young said URC reviewed and said it meets the guidelines for temporary use, 2.1, 2.3, 2.5, 2.6, 2.9, 2.11.

Ms. Le said the URC requested to see past approvals from 2019 and there were none on file. She found an assortment of relevant approvals from other years for review.

Public Comment:

Vivian Morrow expressed concern about prepared food for sale. She said existing businesses are still recovering from Covid and temporary businesses selling prepared food would impact existing businesses and take away their sales. She said there is already food in the Market. She said that she was representing others who don't know about the meetings or who don't like to make waves.

Babar Hodaie, business owner said as a voice for him and his neighbors, they are struggling to pay rent. He said the temporary businesses will be operating only Saturday and Sundays when it is really busy and will take business from existing businesses. He said he has been in the market for 21 years and Saturday and Sunday business is the only hope to break even. He said it is not fair to existing business who are already struggling.

Ms. Rudeck asked about breakdown of farmers, crafts and prepared foods.

Ms. Fox said 100% on the street are farmers. She said the grilled cheese business is a farmer who uses cheese from his own dairy. She said it is the same with corn roaster, all corn is grown in Washington. She said 75% of businesses owners are BIPOC; 68% are immigrants and refugees.

Mr. Cook said it is difficult and he understands the struggle. He said they need a way to incubate small businesses and grow the next generation of food businesses in the Market. He said they need to work harder as a department to support businesses. said 10 million people visit the Market each year. He said there is more than enough business for all. He acknowledged that businesses are still struggling and haven't recovered from Covid. He said PDA will make extra effort.

Ms. Fox said the use allows for micro business with no capital for a store front to try. She said it is a powerful program that allows a small business the opportunity to experiment and interact with the public.

Ms. Young asked if the Pavilion rendering shows space for one business or multiple.

Ms. Fox said it is set up for a maximum of five 10' x 10' canopies.

Ms. Young asked how long businesses will be in incubator program.

Ms. Fox said it is a multiple year program. She said a vegan Mexican food business just signed a lease. She said businesses need multiple years to build equity and determine how to move ahead. She said three years is a good time frame.

Mr. Cook said it isn't the same people every week.

Ms. Fox said there is a different food group every week.

Mr. Cook said these businesses didn't have spaces to test their microbusiness and now they do.

Ms. Young noted earlier PDA presentation that discussed use of the newsstand space as food prep incubator. She said this is more a discussion of the idea of an incubation program when other people in the Market are doing it already and investing in brick and mortar and are in direct competition.

Mr. Cook said they want to bring in first time business owners, small startups. He said they have pulled people from Farmers' Markets. He said it allows a more proactive approach to see how they might work in the Market before being offered space.

Ms. Leong asked the number of businesses in area that sell prepared foods.

Mr. Cook said three.

Ms. Fox said they are farmers who sell their produce and dairy.

Ms. Leong asked how they are clustered.

Ms. Fox said they are clustered around glass wall north of City Fish. She said they hope to have orchards, corn, meat, honey, available.

Mr. Cook said they must comply with Day Stall rules.

Mr. Farrazaino asked if there were similar comments from other produce and farm vendors about competition.

Mr. Cook responded that as a robust marketplace, they are constantly getting concerns regarding competition.

Ms. Fox said good businesses bring in other good businesses.

Mr. Farrazaino asked if within the incubator program, if there were specific initiatives to help existing businesses with marketing or helping them be more successful.

Mr. Cook said that there are efforts, but they are always needing to do more to support businesses.

Ms. Leong asked the proposed hours of the temporary stalls and potential hours of brick and mortar businesses.

Ms. Fox said 8:00 – 9:00 am until 4:00 pm; Marketfront 11:00 am to 4:00 pm.

Mr. Cook said if they have a door, they can set their own hours.

Ms. Martin spoke in support of upholding the guidelines and values of farmers ability to sell their own produce. She said that area used to be filled to the end and was busy. She said she would like to see that again. She asked if temporary uses would be weekends only.

Ms. Fox said some will be there seven days as well - orchards, honey, meat, and non-prepared food items.

Ms. Martin said the use has passed before and meets the Guidelines; she recommended supporting the application. She noted concern that the new Pavilion would only be used on weekends.

Ms. Fox said it has to do with health department rules that allow only three days permission for temporary farmers markets.

Mr. Farrazaino supported the applicant and encourage the PDA to help existing businesses.

Ms. Leong said she supported everything but wasn't sure about prepared foods. She said she encouraged variety in the temporary stalls, so they aren't similar to existing businesses.

Ms. Rudeck cited 2.7.1 b regarding concentration of use, and said competition is not a reason to not support.

Ms. Leong said to limit corn vendors because now there are two.

Mr. Cook said they would not add more than two because it wouldn't work. He said it is a constant struggle to balance the right amount.

Ms. Leong said part of the Market is having unique different businesses and she expressed concern about repetition.

Mr. Cook said they change every day, the temporary use vendors are not the same every day. He said there is food from all over the world in the Market and it is likely for a vendor to sell something close to what someone else has.

Ms. Mohammadi said weekends are the time businesses make money to survive the winter. She said the temporary locations have better visibility and easier access than brick and mortars. She said people just want to sit at her place and not eat.

Ms. Fox said there are only two eateries on the Pavilion at this time. She said corn doesn't grow in December and is only sold when in season. She said dairy is available year-round. She said it is unfortunate to think that two small businesses are impacting the whole and suggested looking at the bigger picture.

Ms. Martin cited 2.2 noting that competition is not a reason to not support a business.

Ms. Buker cited 2.11.1 and said she didn't know if it applied here.

Mr. Cook said the subject spaces are on PDA property and a City permit is required.

Ms. Martin said it is a slippery slope to determine what should be in the Market.

Ms. Fox said the PDA wants everyone to succeed.

Ms. Young said she sympathized with public comment but noted no violation of Guidelines.

Ms. Young began a motion and Ms. Leong suggested addition of 2.7.1 b and more specific language about condition 2.

Action: Ms. Young made a motion to adopt a resolution approving the application as presented. She cited 2.1, 2.3, 2.5, 2.6, 2.9, 2.11, 2.7.1b.

Ms. Mohammadi asked for clarification on 2.7.1 b and suggested adding prepared food to the motion.

Mr. Farrazaino noted the need to rely on the experience and professionalism of the PDA and the years they have been doing this work. He said that they are working to support all businesses in the Market. He said the Guidelines are enough to guide the PDA to do the right thing.

MM/SC/SY/SF 6:0:1 Motion carried. Ms. Mohammadi abstained.

Commission members noted appreciation for the discussion on a complex issue.

121422.2 APPLICATIONS FOR CERTIFICATE OF APPROVAL – DESIGN

121422.23 Fairmount Building
1901 1st Ave
Jeff Dizon, InCity Properties

Proposal to replace six windows on western side of building facing Post Alley. Exhibits reviewed include site plan, photos of existing windows to be replaced, description of windows to be replaced, specifications for replacement windows, color and materials information, paint sample. Guidelines that applied to this application included 3.1, 3.2, 3.9.

Jeff Dizon proposed in-kind replacement of windows on the Post Alley elevation. He said the windows are in fair to poor condition. He provided photo detail of existing windows.

Ms. Leong said it is a straightforward application. She and other DRC members Mmes. Rudeck and Mohammadi attended the committee meeting. She said specific detail was provided. She said DRC supported the application.

Action: Ms. Leong made a motion to adopt a resolution approving the application as presented. She cited 3.1, 3.2, 3.9, and Secretary of Interiors Standards.

MM/SC/GL/SF 7:0:0 Motion carried.

121422.21

Eclipse Hat Shop

1518 Western Ave, Fairley Building
Sharon Haggerty, Business Owner

Ms. Le explained the proposal for interior paint, interior lighting, creating opening in dividing wall, and blade sign. Exhibits reviewed included project description, site plan, photos of existing business space, lighting information, signage details, paint sample, wall opening details. Guidelines that applied to this application included 3.1, 3.2, 3.4, 3.5, 3.6. DRC requested floorplan identifying wall opening, and clarification of retroactive elements of project that were built without MHC approval. She said DRC required further discussion by full Commission.

Owner Sharon Haggerty explained how the window covering she removed had previously blocked the workshop. She noted improved displays and hat boxes were removed from store. She said opening to new workshop space next door couldn't be larger because of an existing beam. She clarified that the proposal was for 1520 Western Ave.

Ms. Leong said DRC reviewed restored black and white tiles, paint, swatch provided, track light, passageway through temporary wall.

Ms. Haggerty said the passage is access to a work room and is not a doorway. She said it is not for public use.

Mr. Cook said that both spaces have separate access into the space.

Ms. Haggerty said the blade sign is small and does not impede access to shop.

Ms. Le said revised photos were provided.

Mr. Cook said originally the spaces weren't connected. When the workshop space became available Ms. Haggerty wanted to use it as a workshop.

Ms. Leong said the applicant has been responsive and said that several items are retroactive: painting, track lighting, passageway between spaces. She said the DRC discussed removal of the window covering and noted the need for connection to Western Avenue. She said the passageway is an access for Ms. Haggerty only and the two spaces have different elevations. Anyone wanting access to the studio from the retail space will go outside. She said it is a non-conforming doorway and is already

finished. She said there are two storefronts, two spaces and the DRC had no problem with additional sign. She said they questioned the placement because of confusion with front door. She said most items are complete and the DRC was inclined to support. The wall opening was a point of discussion; it is a non-conforming opening between two spaces, not for public use and to be discussed by full Commission.

Ms. Rudeck expressed concern with non-code compliance regarding size and no stair access. She said she was surprised the PDA allowed it.

Ms. Hagerty said it has always been there. When it was a restaurant, there was always a step there. She said staff would step up and down.

Ms. Rudeck said it doesn't matter; new construction needs to meet Code. She said it is a liability.

Ms. Hagerty said she will build something appropriate.

Ms. Leong cited 1.3 and 1.4. She requested input from full Commission – is this a safety issue or can the applicant and staff remedy as business owners.

Ms. Hagerty said she is a sole proprietor and is mostly there alone.

Ms. Martin said that puts a lot on other Commissioners. She said it is a landlord – tenant issue. She said it is not the Commission's job to determine if it's a safety issue.

Ms. Leong cited 1.3 and 1.4 and said it is discretionary. She said the owner doesn't think it is a safety issue because she uses it. She said she was inclined to support the application.

Ms. Rudeck said she was inclined to support the application.

Public Comment:

Mercedes Carraba said she was in support of the application.

Commission Discussion:

Ms. Martin said the review was retroactive. She said the track lighting meets the Guidelines; DRC recommended approval on the sign; window covering was in conflict but has been fixed allowing visibility into space; and regarding the passageway, there are no conflicts with the guidelines.

Mr. Farrazaino said he was inclined to support the application and encouraged the tenant to make the passageway safer. He said there are no conflicts with Guidelines.

Ms. Leong said everything was covered. She said the studio portion is flanked by two signs which creates confusion over which is the retail space. She said there is not another location to put the sign.

Ms. Hagerty said she would continue to improve display and safety step.

Ms. Young said she supported the application but was bothered by the step. She said the motion should be conditioned on a permanent step be addressed. She said it is not to code.

Action: Ms. Leong made a motion to adopt a resolution approving the application as presented. She cited 3.1, 3.4, 3.5, 3.6 and 2.6.1.

MM/SC/GL/LR 6:0:0 Motion carried.

121422.3 APPROVAL OF MINUTES

There were no minutes to review.

121422.4 REPORT OF THE CHAIR

No report.

121422.5 REPORTS OF THE STANDING COMMITTEES

DRC: no report.

URC: no report

121422.6 STAFF REPORT

Ms. Le commented on the first item on the agenda, the Balcony Barber Shop. She said Ms. Young stated the URC's decision to table that application. She cited 1.5.3 which speaks to how a review committee and a full commission meeting is required. She said an applicant must attend both meetings.

Administrative approvals – there were none since last MHC meeting

Meeting location update – PDA still working on room at the Market

Commissioner recruitment update – interviews have been done and the Mayor's Office is in the selection process for architect, merchant, and two resident positions. Based on what she has seen of the confirmation process of late, she expects to see confirmation within 3-4 months.

Rules & Procedures revision update – finalized revision, ready for final vote.

Public notice is required whenever a governing body is officially changing its rules.

Ms. Le read public comment into the record:

Christine Vaughan:

Please consider my comments on The Rules and Procedures, regarding three points that were discussed at your November 30th meeting:

1. Procedures around interviewing for a Position 12 vacancy:

It was not the intent of the Commission's Guideline Review Committee to establish a set procedure for filling Position 12 vacancies. The Committee only sought to establish the Commission's right and responsibility to do so, and giving the Executive Committee the responsibility to see that it happened. The thought was that different Commissions may want to go about the task differently, depending on its composition (skill set, time availability, etc.)

The last time a Position 12 vacancy occurred, the Commission wanted the MHC Search Team (comprised of the Chair and Vice-Chair) to interview the ten candidates who applied; whereas the Department of Neighborhoods wanted the Commission to select four resumes from the written materials submitted, and the DON would then conduct the interviews.

The Commission felt that, while a résumé might tell what a candidate had accomplished, it is from an in-person interview that the candidate's commitment to and understanding of the Commission's role could best be ascertained.

It took six weeks and communications up the "chain of command" to a meeting with the DON Director for the Commission's preferred process to be green-lighted.

The section positing responsibility for establishing procedures for choosing Position 12 candidates with the Executive Committee was added to the Rules and Procedures to ensure that the right and responsibility for choosing those candidates stays with the Commission, not with the DON.

The current Commission may feel differently and want to set procedures. This is certainly your prerogative. The important point—from my perspective—is that the process belongs to the Commission itself, not to City staff.

2. The question of "Who will hold us accountable to Racial Equity Standards?" (asked in relation to Position 12 procedures.):

It never occurred to me that the MHC would ask anyone other than themselves to hold themselves to standards of any kind. If the MHC has questions about what is required, it can seek advice from the City Law Department, and staff is present at each meeting. But accountability? Surely, the responsible people appointed to the Commission can monitor their own actions and that of their colleagues.

3. The question of establishing a 3-minute time limit for public speaking which the Chair could extend:

I was glad that you allowed the Chair to extend the 3-minute time limit allowed each speaker but wished you had reversed the order. In other words, I wish you had granted the Chair the ability to establish a 3-minute time limit when necessary, rather than extend an already-established time limit.

*There is something chilling about a time limit. It's like: "We care about your thoughts. You have 3 minutes to express them. Now: GO!")
—Not exactly welcoming of input.*

In my time on the Commission, a limit was put on public comment only when the issue was very complicated or controversial and when many people wanted to speak to it—

maybe 3 times in over 7 years. The MHC is not plagued with irrelevant commenters, therefore why flex regulatory muscle?

I urge you to consider returning this rule to its former state (The Chair may limit comment when necessary.)

Thanks for reviewing these comments.

Christine Vaughan (received December 14)

Don Gammond:

Subject: New Rules Needed

To the Pike Place Historical Commission:

Please consider creating a new a rule and/or bylaw that commissioners who run businesses and/or own property at the Market must abide by the same rules as tenants in that they MUST go through the same application process as everyone else running businesses here AND have been granted permission by the city before making any physical changes to their property or business use in general. The penalty for ignoring this rule would be disqualification from being on the commission.

This would make the application process much more fair for those trying to make a living at the market, not just those on the commission who seem to take shortcuts without fear of repercussions when it suits them.

(received December 14)

Ms. Rudeck said she was surprised by the last public comment and that Commissioners followed the rules.

Ms. Le said that the guidelines and the code say that there are no exemptions from the required approval processes.

Ms. Martin clarified that no one is exempt.

Ms. Le asked the Commission if the November 30 draft Rules and Procedure revision should be posted as required prior to final vote or whether more time was desired.

Ms. Martin asked Commissioners if they were ready to post the MHC Rule and Procedure draft changes publicly in anticipation for a final vote.

Ms. Young was in favor of noticing.

Mr. Farrazaino said in response to Christine Vaughan's comments, he's like to revise the public comment rules to allow time allotments at the Chair's discretion.

Ms. Rudeck agreed with Mr. Farrazaino. She said that it should be up to the Chair.

Ms. Leong also agreed. She said that there should not be a limit unless imposed by the Chair.

Ms. Buker said she agreed, and that she'd also like to look at the wording again a final time to make sure the changes had been made correctly by the staff.

Mr. Farrazaino said it would actually be reverting to the previous existing Rules and Procedure.

Ms. Martin said allowing varying times might be perceived as unfair and time limits encourage succinct comments. She noted there could be concerns with fairness and equity.

Ms. Rudeck said that a time limit had not been stipulated on today's meeting, and public commenters stayed within time. She said that previously, time limits were announced at the beginning of the public comment period.

Mr. Farrazaino said the Commission public comment is about engagement as broadly as possible and cited a recent City Council meeting. He said he didn't see what the equity issue would be. He noted that this was an important part of open public meetings.

Ms. Martin said unequal allotments to different people could seem unequal. She noted that the Commission seemed in agreement with all revisions on the circulated draft, except the approach to public comment, to be changed so there would not be a mandatory time limit. She said to move ahead with the public notice and asked for a revised draft to be sent to Commissioners.

121422.6

NEW BUSINESS

Ms. Leong raised the concern that more and more applications coming in were for retroactive changes made without first obtaining approval. She said it made the Commission's work harder and requested retroactive applications to be flagged during discussion.

Ms. Martin agreed and said that this has been going on for some time.

Mr. Farrazaino said that there needs to be clarity in the application when it is retroactive. He said that the Commission has denied parts of retroactive applications in the past.

Ms. Buker said she was frustrated by the lack of enforcement procedure.

Ms. Leong suggested the Commission could get involved and assist the enforcement effort.

Ms. Rudeck suggested sending a letter to the PDA about enforcement, to make sure that businesses are upholding the guidelines. This was supported by Mr. Farrazaino and Ms. Buker. Mr. Farrazaino said that a violation of the guidelines should be a violation of the lease, and as the landlord, they should be partners in helping with enforcement, even before notice from the Department of Neighborhoods and SDCl. He clarified that this should be for all property owners.

Ms. Rudeck cited a compliance review committee composed of Commissioners in the past.

Continued discussion regarding proposed legislation related to land use review decisions

Mr. Farrazaino reported on the early December City Council meeting where the pending legislation was discussed and where there was significant public support of the Commission. He and asked whether the Commission would like to further weigh in on the issue.

Ms. Leong, Ms. Buker, Ms. Young, Ms. Rudeck were supportive of sending an additional statement to Seattle City Council on behalf of the Commission, prior to the Council's final action on the legislation.

Mr. Farrazaino volunteered to draft the statement to be reviewed by the Commission at its next meeting and then sent to Seattle City Council.

Ms. Young made a motion to adjourn the meeting. The meeting was adjourned by acclamation at 7:15 p.m.

Minh Chau Le
Commission Coordinator
206-684-0229