



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

MHC 3/24

MEETING MINUTES

Date: Wednesday, January 4, 2024

Time: 4:30 p.m.

Physical location: PDA Meeting Room: 93 Pike Street # 317

Virtual location: Virtual access as provided in the meeting agenda.

Video recording of meeting available upon request.

Commissioners Present

Mark C. Childs

Jonathan Cracolici

Grace Leong, Chair

Lisa Martin

Golnaz Mohammadi, Vice Chair

Elisa Shostak

Lance Wagner

Stephanie Young

Commissioners Absent

Sam Farrazaino

Staff

Sarah Sodt

Erin Doherty

Melinda Bloom

Chair Grace Leong determined that a quorum was present and called the meeting to order at 4:35 p.m.

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

010424.1 COMMISSION COMMUNITY ENGAGEMENT

Discussion and information-sharing between Pike Place Market PDA and Pike Place Market Historical Commission. Continuation of the discussion initiated at the September 27, 2023 MHC meeting.

Ms. Leong summarized the September 27, 2023 meeting which she said focused on open lines of communication and understanding processes, compliance issues and how to resolve them in support compliance with Guidelines.

Mr. Childs said at that meeting it was noted that doors not approved by the Commission had been installed by PDA.

Mary Bacarella, PDA said they are hiring a compliance person. She said during Covid they let people do whatever, but they are now getting back to compliance and have lists.

Juan Medina, PDA, said the compliance officer will be a generalist working on space, leases, fire-life-safety and will review every tenant space four times a year for compliance enforcement.

Ms. Leong said when use is approved with no expiration on it a business might never come back for review. She noted the closed Corner Market space.

Juan Medina said they have tenants for the Corner Market space that are waiting for design approval.

Zack Cook, PDA said use and design approval are included in lease attachments – they are all part of the lease now. If a tenant is not compliant, it would be a violation of the lease. He said he did not recommend having approvals sunset with leases – things are already bureaucratic enough now and there could be 75-100 applicants per year coming back which would be too much. He said use is approved for the Corner Market space, but the space doesn't have the power the proposed design requires. He said he is working with the tenants to have them open for summer. He said some things are unforeseen.

Ms. Leong said to consider a start-up process or an interim approval while a business is getting started to figure out what their true needs are.

Sarah Sodt, City Historic Preservation Officer said having a temporary use in preparation for a build-out you would have to be really clear that it is temporary. It's not just use but it's doable under existing code. Putting an expiration date on a certificate of approval would require a code change. And right now, they would expire if the use goes away. She said she will look at the code carefully to make sure she has the language. She said it sounds like that is not the direction the PDA would want to go. She asked if this was just for the PDA or all property owners. She said it would have to be made clear for equity and access issues that it's not for just one property owner.

Mr. Cracolici said we can put a temporary limit on approval, so applicants don't have to completely re-apply.

Mr. Medina said leases are usually for two years with an option to renew. He said it allows reassessment and talking to applicants again. He said occasionally people come in front of the commission and say one thing and do another.

Ms. Sodt said that is a compliance issue and we need to have the awareness that it's happening; sometimes we don't know. We can't do much if we don't know about it. She said it isn't about having a working system in place for identifying compliance. She said as manager of the program it is about education first; use a carrot not a stick. She said we work with business or property owners to try to get people in compliance.

Mr. Childs said he didn't know what the mechanism would be, but to determine compliance and remind applicants what they agreed to.

Ms. Leong asked what the point is of submitting an application when there are examples of non-compliance all around.

Brady Morrison said the PDA monitors tenants and stays connected with them. He said some minor things slip through, nothing major. He said the PDA team is aggressive about that.

Ms. Leong noted the wood flooring that was changed at Starbuck's in the middle of the night.

Ms. Bacarella said that is why the PDA is getting compliance person because the property managers have other things happening that they have to deal with. They put a sign up, or they close more days than agreed upon, that none of us know about unless we walk by.

Ms. Sodt said that what compliance means for the PDA is probably different from what compliance means for the commission; there are two different interests that aren't necessarily aligned.

Mr. Cook said they spend a lot of staff resources to make sure that tenants are in compliance with all the requirements of the lease as well as with design and use certificate of approvals. It is unrealistic to expect any of the property owners to only enforce things that they need to enforce but also the different historic guidelines for each individual space. He reiterated the PDA is hiring a staff person to help.

Ms. Sodt said that ultimately it is the property owner's responsibility unless they have delegated that to their tenants to follow city regulations. She said that might not be a PDA priority.

Mr. Cook said the sandwich board issue has come up many times and he said he isn't sure who is approved to have them. He said he and Ms. Le have been working together; for her it is a huge job and has to go through all the records to figure out who has approval and who doesn't. He said it all takes so much time.

Ms. Sodt said it is great that Ms. Le and PDA staff meet and communicate about these things. She said we have to make sure those lines of communication stay open. She said Ms. Le is here to help not just the PDA but all the property owners who have tenants. She said it is a good part of our education strategy to provide that sort of assistance.

Mr. Childs said things go beautifully 95% of the time. He said it is good to remember there is a process, that people are doing their jobs, and all this is happening. He said it doesn't mean that things can't get better.

Ms. Leong concurred and said people are doing a great job in a lot of cases and she didn't think people were trying to do bad things. She said in these cases, the little things start to erode the integrity of the district.

Mr. Cracolici said we need to make the process easier and suggested 'go-bys' – a list of three to four things to start with so the application will fly through the Department of Neighborhoods. He said the process is too confusing or takes too much time.

Ms. Sodt asked if he was suggesting a tip or help sheet for people.

Mr. Cracolici explained a 'go-by' form is a faster, more streamlined way to get through the process that makes it easier for the tenant.

Mr. Medina compared it to a pre-submittal conference with tenant and helping them through the process. The process is tricky - going back to the commission and the PDA – it all takes time.

Mr. Childs said multiple agencies involved make it challenging. We should make the commission process easier, simpler.

Ms. Sodt said the applicant can submit for early design guidance through Accela portal. She said the applicant just has to upload some very basic information including property owner approval to proceed. She said what we use that for bigger projects that want some early feedback before they start going through design and construction development. She said in the Landmarks board that is used more for bigger projects than a small tenant but you could still use it if it is kind of a complex tenant build out. She said Ms. Le is available to meet with prospective tenants and walk them through the application process and give them feedback – that is what DON staff are here for.

Ms. Leong said DON staff will meet with tenants but ultimately there needs to be property owner signoff.

Ms. Sodt said Ms. Le will meet with anyone interested in very preliminary feedback. It's not a commitment, just identifying what is needed for the application process. For storefront changes, tenant could be advised that storefront is intact with a lot of historic character, here is what you could do and how to go about it.

Mr. Cracolici said DON staff don't have time for additional projects so he thought creating 'go-bys' that are publicly accessible would allow DON to come to the conclusion that the application is complete and ready for the commission faster.

Ms. Sodt cautioned about making a proscriptive kind of to do list because then it makes people think that if they do exactly that, they are going to get approval and that is not necessarily the case. She said in other districts, for example the International special Review District (ISRD), commonly applied for things like awnings, signage, and change of use, she said language access is a consideration as well. She reiterated caution about being overly proscriptive because it can be misleading to the applicant.

Mr. Cook said they do much handholding with the tenants to get them through the process. It would be helpful to have a tip sheet or something that he could provide that spelled out 75% of what they need to do. He said Ms. Le is super helpful and always willing to help. He says he has been to enough commission meetings to have a pretty good idea of what stands a chance to get approved and what doesn't. He said the PDA is a kind of gatekeeper and advises applicants about items that may not be approved. He said a tip sheet could be helpful to give applicant a place to start. He said it takes so much time to open a business in a historic district.

Ms. Shostak said the commission has guidelines and they are not posted. She said links are dead on the PDA site.

Ms. Bacarella said the process is not the easiest and should be simplified.

Mr. Medina proposed a user-friendly cover sheet/checklist. He said he and Mr. Cracolici talked about it and it is an area of improvement between the PDA and the commission.

Mr. Cracolici reiterated the 'go-by' process would be quicker.

Mr. Childs suggested a simple change of ownership could go to the use committee.

Ms. Sodt said it sounds like code changes would be needed and said a quorum is needed to vote on it. She noted Ms. Le's workload and said Ms. Le reviews applications as they come in.

Mr. Childs said once the application comes out of DON, it goes to the committee and then the full commission. He asked if a code change is needed, he is just throwing it out there. He said it potentially takes a week out of the process for simpler things.

Ms. Sodt said that this is what was being advocated for, for an administrative review, but it didn't go well here. She said what is being suggested is the same kind of thing, trying to cut down the timeline and make it an expedited process. She said some minor items may not need to go to committee for review and could go straight to the full commission. She said that happens at the landmarks board and it cuts the time a bit. She said no code change would be needed.

Susan Brems explained that a change order was needed during construction because something had changed after Certificate of Approval was granted. She said it came back before full commission.

Ms. Leong said it was decided during committee but it was presented at full commission. She said a lot of the things were deducted because the numbers were too high.

Ms. Sodt asked if a Certificate of Approval was issued once the changes had been approved.

Ms. Leong said it was amended and stamped.

Ms. Sodt said that process should come to the full commission if there is a change that is in the purview of the commission.

Mr. Cracolici said a committee could be set up to decide if an application rises to the level of full commission review.

Ms. Sodt said there is a capacity issue for the applicant, the commission, Ms. Le. She said Ms. Le should be the first pass to determine if a change needs a modification to the Certificate of Approval; she should make that call. She said adding another committee

review just adds another layer to the process. She said it would have to be publicly noticed and it would add capacity issues for her staff to having multiple committee meetings, multiple special meetings. She said it is something she wants commissioners to be aware of as an issue.

Mr. Cracolici said the commission is not able to determine on its own.

Ms. Sodt said the commission should not be communicating with anybody about commission business even amongst their individual selves. Responding to clarifying comments, she said that the best practice is that commissioners shouldn't communicate about business. She said it might seem like a technicality that commissioners could talk to one another, but it is not a good practice for the appearance of fairness that you've already been having this outside conversation. She said it could be talking about guidelines, or revision of code. She said those conversations should be done in a public forum that is noticed so the public knows what you are talking about and it is all discussed in the public realm.

Mr. Cracolici said the process seems to take months.

Ms. Brems explained the process she goes through and noted she tries to put together as complete a package as she can. A lot of applicants may not know how to do that so she will guide them through the process. Sometimes there are things missing and a checklist is issued and it depends on how responsive the applicant is in providing that information. She said a business owner has no concept what an elevation drawing is or how to do it.

Ms. Leong said by the time the commission sees something things are pretty well-defined in the application. She said the committee might give some feedback but there has already been a lot of effort to put into the application. It seems like it would be nice to have early guidance for the commission to weigh in. If information is not provided the commission is reviewing an incomplete application.

Ms. Brems said she used to just walk into a committee meeting and have something reviewed. She said the applicants could bring a design board. She said it was streamlined. She said this was done pre- pandemic for Las Agaves.

Ms. Sodt asked if an application was submitted.

Ms. Brems said he was being sponsored by Coca-Cola. She said the rep was here lending credibility to the signage brand.

Ms. Sodt said the application was not complete.

Ms. Leong said you showed up for the committee meeting in that state but you weren't going to be on the docket for the full commission meeting.

Ms. Martin said she had a fire life safety issue. She presented to the committee who told her to go ahead and submit your application. She said it lowered the risk because she had feedback before. She said it was when Heather was here.

Ms. Sodt explained the Accela permit portal is used now. She said before an applicant could do a briefing on a complex topic to provide initial feedback to make sure that it could move forward. She said it is not an application, just scheduling a briefing. She said that is analogous to what she was saying. There is an option in the portal now which is submit for early guidance and then from behind the scenes, when they have had their early guidance, that can flip to a Certificate of Approval. She said the applicant doesn't need to submit anything new, they can just add on to that record. She said it is the same process but is through the portal.

Ms. Leong said a lot changed because of the pandemic and we weren't doing informal face to face.

Ms. Sodt said a 'walk on' is not an accepted practice. She said everything the commission considers needs to be publicly noticed. She said a briefing is something that gets submitted for scheduling on an agenda so that it can be publicly noticed. It will say 'briefing on tenant improvement....' It doesn't have to have complete information but enough information so that the commission can provide feedback and then the applicant hopefully can then move forward.

Ms. Leong said it wasn't to the full commission, it was more informal. It was during committee which is a public meeting.

Ms. Sodt said typically preliminary briefings would go to committee. There might be a larger scale project briefing that would need to go to the full commission. She said a tenant wanting initial feedback would likely be scheduled for use/design committees on agenda.

Mr. Cracolici asked about 'open floor' briefing time on agenda where someone could walk in. He said not everyone can do Acela.

Ms. Leong said the agenda comes out 10 days before the meeting with committee meetings the week before that. She said Ms. Le would have to be informed in time to put on agenda.

Ms. Sodt said it is a public process which needs to have public transparency and make sure that people know when you are talking about a certain topic that they can come and give public comment on it. It is part of the Open Public Meetings Act (OPMA). If

someone knows a topic is on an agenda, it will be discussed. She said you can't notice a 'walk on'. She said she understands what the intent is but there are other ways to approach it. She said separate agendas could be done for full commission and committee meetings. She said that is done with Landmarks Preservation Board full board and Architectural Review Committee meetings. She suggested thinking about things that can be done with business practices without changing the code but still meets the law. She said tweaks can be made and the commission can work together with Ms. Le. She, it will add some clarity.

Brady Morrison, PDA said he didn't want to interrupt the flow of the conversation. He wanted to provide a high level overview of some upcoming projects.

Public Comment:

Joan Paulsen said she was confused about what was discussed.

Bob Messina had comments about the PDA Master Plan; he thought it was going to be discussed.

Christine Vaughan said when she was on the PDA Council there was a phrase in the lease that when the lease is renewed, the commission approved the application. She wondered if that phrase remains. She said commissioners should be able have discussions with themselves about applications. She said commissioners shouldn't be stymied by best practices that don't allow it. She said OPMA should apply to the Department of Neighborhoods as well.

Mr. Medina said lease renewals are reviewed at PDA committee and Council but they don't come back to the commission.

Mr. Childs asked what best practice is for other building owners.

Ms. Martin said she has never had a tenant that did not abide by the guidelines. She said she mostly has office tenants.

Ms. Sodt said she has seen in other districts that a property owner will include language about it in their lease. She said it's fairly common, although we cannot require someone to modify their lease.

Ms. Bacarella said the PDA Market lease states that if there is any modification in ownership, it's subject to PDA and commission approval. She said during Covid there have been a lot of retirements and movement and sales of businesses.

Mr. Childs suggested adding lease information to the tip sheet.

Mr. Cracolici suggested he and Mr. Cook work together to create a 'go by'.

Ms. Leong said it would be a working group.

Ms. Sodt said Ms. Le needs to be involved to document and help with the process. She said it is the Department of Neighborhood's (DON) job to create supporting materials. She suggested talking with Ms. Le who could be the conduit with the PDA and who has a lot of good insight into what needs to get done. She sees the most typically missed items. She said we have a contract with Equity Matters to provide Race and Social Justice training for all board and commissions which includes this commission. She said she will provide schedule information when she has it but there will be multiple options for people including virtual and in-person. She said that given there were so many questions about open public meetings, appearance of fairness and ex parte a training from Law will be set up so the commission can hear it straight from the experts.

Public Comment:

Skip Knox asked where the authority of Department of Neighborhoods is spelled out.

Ms. Leong said in the Municipal Code.

Ms. Sodt said in SMC 25.16.

Meeting adjourned at 5:10 p.m.

Minutes submitted by:
Melinda Bloom