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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 ) APPELLANT’S MOTION TO AMEND  
Director, Seattle Department of Neighborhoods ) NOTICE OF APPEAL  
\_\_\_\_\_ )

Appellant Seattle Parks and Recreation (“**SPR**”) moves to amend its January 22, 2024 notice of appeal (“**Original Notice**”).<sup>1</sup> A proposed Amended Notice of Appeal is included as an exhibit to this Motion.

Hearing Examiner Rule 5.07 allows the Examiner to amend an appeal upon motion and “good cause shown.” Good cause exists here. Namely, SPR drafted and filed the Original Notice without assistance of counsel. Notably, the Original Notice states that “it is not intended to be an exhaustive or complete list of all errors committed [by the Commission]. Appellant reserves its right to raise any additional legal and factual issues at the appeal hearing as appropriate.” Original Notice at 2. The Seattle City Attorney’s Office appointed Maxwell Burke (a new Assistant City Attorney) to this case on January 28, after the Original Notice was filed.

1 *Declaration of Maxwell Burke in Support of Motion to Amend Notice of Appeal (“Burke Decl.”)*  
2 at ¶ 4. Burke had no knowledge of the facts and legal issues of the case until after the Original  
3 Notice was filed and, thus, had no way of helping SPR prepare the notice. *See id.* at ¶ 3. Upon  
4 reviewing the Original Notice, Burke concluded that he would want to amend the notice of  
5 appeal. *Id.* at ¶ 5. Allowing SPR to amend its notice of appeal with the assistance of counsel  
6 would be fair to SPR and would not unfairly prejudice the opposing party. Indeed, the Amended  
7 Notice of Appeal better informs the Examiner and the parties of all SPR arguments.

8 Good cause also exists for the timing of this Motion. In this relatively simple case, the  
9 Motion is made about two months before the parties must file their witness and exhibits lists and  
10 about three months before the hearing on the merits. For good reason, the Motion was made now  
11 rather than earlier. Again, Burke was appointed as counsel on January 28, 2024. On January 30,  
12 the Examiner set the prehearing conference for March 5. On February 6, Burke informed  
13 opposing counsel that SPR may amend its notice of appeal “to raise additional arguments/issues.  
14 As you know, the initial Notice was written without our involvement.” Burke Decl., Ex. A. That  
15 same day, opposing counsel replied, “thank you for letting the Commission know that you might  
16 be raising additional arguments/issues.” *Id.* He did not raise any objection to a potential amended  
17 notice of appeal. *Id.* Meanwhile, Burke was set to take parental leave from February 10 to March  
18 3. Burke Decl. at ¶ 7. In light of his discussions with SPR and with opposing counsel, Burke did  
19 not anticipate any significant activity occurring in the case during his absence. *Id.* Thus, Burke  
20 intended to move to amend the notice of appeal after he returned from leave, likely during the  
21 prehearing conference. *Id.* Upon discovering that Intervenor had filed a motion to dismiss for  
22 SPR’s alleged failure to state a claim, Burke immediately informed the Examiner and the parties

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23 <sup>1</sup> The January 22, 2024 Notice of Appeal is titled “Land Use Decision Appeal.”

1 of SPR’s intention to amend its notice of appeal. *Id.* at ¶ 9.

2 At the prehearing conference, the Examiner noted that Rule 5.07 allows the Examiner to  
3 consider whether a proposed amended appeal “raises jurisdictional issues.” Although the  
4 Amended Notice of Appeal adds legal arguments that do not appear in the Original Notice,  
5 jurisdiction is not implicated by the new arguments. The Examiner unquestionably has subject  
6 matter and personal jurisdiction over the Original Notice and the Amended Notice of Appeal.  
7 SPR is simply clarifying existing arguments and adding new arguments that arise out of the same  
8 facts. SPR suspects that the Examiner noted a potential “jurisdictional” issue because Intervenor  
9 brought a motion to dismiss for failure to state a claim. But a failure-to-state-a-claim defense is  
10 not a jurisdictional defense. *Cf.* CR 12(b) (showing jurisdictional defenses are separate from  
11 failure to state a claim); *Boudreaux v. Weyerhaeuser Co.*, 10 Wn. App. 2d 289, 318 (2019)  
12 (same). The Hearing Examiner Rules and the Civil Rules do not prevent a party from amending a  
13 notice of appeal (or complaint) in response to a motion to dismiss.

14 For these reasons, good cause exists for SPR to amend its notice of appeal. SPR  
15 respectfully requests that the Examiner grant the Motion to Amend Notice of Appeal.

16 DATED this 12th day of March 2024.

17 ANN DAVISON  
18 Seattle City Attorney

19 By: /S/ MAXWELL BURKE  
20 MAXWELL BURKE, WSBA#49806  
21 Assistant City Attorney  
22 701 Fifth Avenue, Suite 2050  
23 Seattle, Washington 98104-7097  
Email: maxwell.burke@seattle.gov  
*Attorneys for Appellants*  
*Seattle Parks and Recreation*

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**CERTIFICATE OF SERVICE**

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

- Daniel Mitchell ( X ) Email: [Daniel.mitchell@seattle.gov](mailto:Daniel.mitchell@seattle.gov)  
City of Seattle City Attorney’s Office
- Minh Chau Le ( X ) Email: [minhchau.le@seattle.gov](mailto:minhchau.le@seattle.gov)  
Sarah Sodt Email: [sarah.sodt@seattle.gov](mailto:sarah.sodt@seattle.gov)  
Department of Neighborhoods
- Margaret Pihl ( X ) Email: [margaretpihl1@gmail.com](mailto:margaretpihl1@gmail.com)  
Friends of the Market

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

DATED this 12th day of March 2024.

/s/ Ianne T. Santos  
IANNE T. SANTOS

# EXHIBIT

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BEFORE THE HEARING EXAMINER  
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In the Matter of the Appeal of: ) Hearing Examiner File:  
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**SEATTLE PARKS AND RECREATION** )  
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From a denial of a Certificate of Approval by the ) PROPOSED AMENDED NOTICE OF  
Director, Seattle Department of Neighborhoods ) APPEAL  
)

**I. APPELLANT INFORMATION**

<b>Appellant</b>	<b>Appellant Counsel</b>
Seattle Parks and Recreation (“ <b>SPR</b> ”) 300 Elliott Avenue West, Suite 100 Seattle, WA 98119 david.graves@seattle.gov (206) 684-7048	Maxwell Burke Assistant City Attorney 701 Fifth Avenue, Suite 2050 Seattle, Washington 98104-7097 maxwell.burke@seattle.gov (206) 684-7943

**II. APPEALED DECISION**

Pike Place Market Historical Commission (“**Commission**”) decision MHC 1/24 (“**Decision**”), issued on January 9, 2024, regarding SPR’s application (DONH-COA-01146) to modify Certificate of Approval MHC 93/19. The Decision is attached hereto.

1 **III. STATEMENT OF FACTS**

2 **A. Market and park history**

3 Pike Place Market has operated as a public market since 1907. The Market thrived  
4 through the 1930s, but by the 1960s, it had deteriorated and was threatened by demolition and  
5 redevelopment. Members of the public, led by architect Victor Steinbrueck, opposed  
6 redevelopment and sought to protect the historic Market. In 1971, Seattle voters approved an  
7 initiative that established the Pike Place Market Historical District and created the Commission.  
8 The original District boundaries encompassed the Market structures and adjacent historic  
9 buildings.

10 The park at issue in this appeal, Victor Steinbrueck Park, did not exist in 1971. In fact, it  
11 was built about a decade later, northwest of the Market and on top of a then-new parking garage.

12 In approximately 1985, the two totem poles at issue in this appeal were added to the park.  
13 Steinbrueck commissioned and designed the poles with input from artist Marvin Oliver, a  
14 member of the Quinault Indian Nation. James Bender carved the poles and helped design them.  
15 One pole primarily depicts farmers of European ancestry, while the other is inspired by totem  
16 poles of coastal indigenous tribes of Canada and Alaska. Puget Sound Native Americans did not  
17 traditionally carve such poles.

18 In 1986, the City adopted Ordinance 113199, which expanded the Historic District  
19 boundaries to include the new park. (Though the Market is currently listed on the National  
20 Register of Historic Places, the park is not.) Ordinance 113199 did not contain any recitals or  
21 terms that attach historic significance to the *new* park, nor did it call for the park to be preserved  
22 in perpetuity as originally designed. Rather, legislative history shows that the purpose of  
23 including the park in the District was to maintain the park as a “major community asset” for the

1 “enjoyment” of patrons and shoppers of the Market. The City Council did not update—and still  
2 has not updated—the Code to attach historic significance or otherwise provide specific  
3 protection to the park and its elements, including the totem poles. On its face, the Code is  
4 primarily concerned with the Market itself.

5 In 2010, the Hearing Examiner considered a similar case to the present one. The  
6 Commission had denied an application to replace the park’s playground (which was included in  
7 the original park design) with a new art sculpture (the Tree of Life). The Hearing Examiner  
8 reversed the Commission’s decision, thereby allowing removal of the playground and installation  
9 of the Tree of Life (case R-10-001). After the 2010 decision, the Commission adopted new  
10 guidelines that specifically concern the park, but the Code was not similarly updated.

11 **B. The current dispute**

12 SPR manages the park. In 2018, SPR applied to the Commission for a Certificate of  
13 Approval to renovate the park. The Commission granted the Certificate of Approval in 2019  
14 (decision MHC 93/19). The approved project called for alterations to numerous “character-  
15 defining” park features including benches, tables, walls, lighting, and railing. The project would  
16 also add entirely new features to the park, including many that are intended to honor the local  
17 Native community.

18 The 2019 decision had the following requirement: “This application does not authorize  
19 any change to the totem poles in Victor Steinbrueck Park. If the totem poles must be removed for  
20 their safety or restoration, they shall be reinstalled before Victor Steinbrueck Park is reopened.”  
21 Initially, SPR was amenable to this requirement because it had no plans to permanently replace  
22 the totem poles.



1           However, after the 2019 decision, SPR became aware that local tribal members,  
2 including members of the Puyallup, Muckleshoot, and Suquamish Tribes, object to the totem  
3 poles because the poles: do not reflect local tribal culture; were designed in part by non-Native  
4 people (Steinbrueck and Bender); and were carved by a non-Native person (Bender). Indeed,  
5 Oliver, the Native artist who assisted with designing the poles, once described them as “Victor’s  
6 poles.” In a news article, one tribal member was quoted as saying that the totem poles “don’t tell  
7 a story about me or my people, and it really makes me feel less-than because we are being  
8 represented by totem poles and teepees and that’s just not who we are as Coast Salish people.”<sup>1</sup>

9           In spring 2023, SPR removed the poles from the park as part of the renovation project.

10           In November 2023, SPR requested an amendment to the 2019 Certificate of Approval to  
11 allow permanent removal of the totem poles. In their place, SPR proposed installing two art  
12 pieces created by local tribal members to reflect local tribal culture.

13           On December 13, 2023, the Commission held a public meeting on SPR’s amendment  
14 request. During the meeting, one Commission member (Mark Childs) quoted SMC 25.24.030.D.  
15 Adopted in 2015, that provision requires the Commission to “adopt a Statement of Commitment  
16 to Advancing Racial Equity in the Guidelines of the Commission” and to “develop, use, and be  
17 accountable to a Racial Equity Lens, a set of questions that considers actual and perceived racial  
18 inequities and steps to achieve racial equity, for all decisions involving Commission matters.”  
19 Childs then said, “we haven’t completed that task.” *See* Video of Dec. 13 meeting at ~2:11:45–  
20 2:13:10. Nevertheless, at the December 13 meeting, six Commission members voted to deny  
21 SPR’s request to remove the poles, while three members abstained (including Childs).

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22  
23 <sup>1</sup> *Crosscut*, “Renewed effort to remove the misleading totem poles at Pike Place park,” July 1, 2022,  
<https://crosscut.com/news/2022/07/renewed-effort-remove-misleading-totem-poles-pike-place-park> (last accessed  
3/8/2024).

1 On January 9, 2024, the Commission issued the written Decision on SPR’s amendment  
2 request. The Decision states in particular: “In its judgment the element of the proposal to  
3 permanently remove the totem poles does not conform to the intent of Seattle Municipal Code  
4 25.24 and the commission's guidelines.” The Decision does not cite any specific Code provision,  
5 nor does it discuss issues of racial inequity, as required by SMC 25.24.030.D. The Decision went  
6 on to discuss certain guidelines:

7 The following guidelines were applied in order to render this decision:

8 2.12 “Victor Steinbrueck Park”

9 Section 2.12.6 states “The Park’s character-defining  
10 features should be retained and should not be altered,  
11 disguised or concealed.” The guideline specifically  
12 identifies the totem poles as being among the park’s  
13 character-defining features. The commission determined  
14 that removal of the poles would be inconsistent with this  
15 guideline.

13 3.6 “Signs”

14 Section 3.6.4 states “Significant historic signs, symbols or  
15 icons of the Market must be preserved...If a significant  
16 historic sign, symbol, or icon of the Market is moved from  
17 its site, it should be displayed in a public place within the  
18 District.” The commission determined the totem poles to be  
19 an iconic element of the Market and that the proposal to  
20 remove them, and not replace them within the park or  
21 another location in the District, would be inconsistent with  
22 this guideline.

19 **IV. OBJECTIONS TO DECISION**

20 The Hearing Examiner may reverse or modify an action upon finding one of the  
21 following:

- 22 1. Such action of the Commission violates the terms of this chapter or rules,  
23 regulations or guidelines adopted pursuant to the authority of this chapter; or

1 2. Such action of the Commission is based upon a recommendation made in  
2 violation of the procedures set forth in this chapter or procedures established  
3 by rules, regulations or guidelines adopted pursuant to the authority of this  
4 chapter and such procedural violation operates unfairly against the applicant.

5 SMC 25.24.080.D.

6 The Decision implicates both Code provisions.

7 **A. The Commission violated SMC 25.24.030.D by failing to consider actual and  
8 perceived racial inequities.**

9 Since 2015, SMC 25.24.030.D has required that the Commission adopt a “Statement of  
10 Commitment to Advancing Racial Equity” in the Commission guidelines. And the Commission  
11 must “develop, use, and be accountable to a Racial Equity Lens, a set of questions that considers  
12 actual and perceived racial inequities and steps to achieve racial equity, for all decisions  
13 involving Commission matters.” SMC 25.24.030.D (emphasis added).

14 The Commission’s current guidelines do not include a statement of commitment to  
15 advancing racial equity. More importantly, in reaching the Decision, the Commission failed to  
16 develop, use, or be accountable to a set of questions that considers actual and perceived racial  
17 inequities associated with the totem poles at Victor Steinbrueck Park. As Commissioner Childs  
18 said, “we haven’t completed that task.” Thus, the Commission violated the procedures of SMC  
19 25.24.030.D. This procedural violation—failing to properly consider racial inequities caused by  
20 display of the totem poles—operated unfairly against SPR because the entire point of SPR’s  
21 amendment application was to remedy racial inequities.

22 **B. Replacing the totem poles with new local tribal art is consistent with the Code  
23 criteria for evaluating Certificates of Approval.**

The Code states that the Commission “shall review and make recommendations  
regarding appropriateness of each proposed change or addition[,] and a certificate of approval  
shall be issued by the Commission as provided in this chapter.” SMC 25.24.060.D. That same

1 provision provides that the Commission “shall refer to the purpose of the chapter” and shall  
2 “make no recommendations or requirements except for the purpose of preventing developments  
3 inconsistent with the criteria of this chapter.” SMC 25.24.060.D. The criteria for certificates of  
4 approval are listed in SMC 25.24.040.

5 Here, the Decision does not cite any Code provisions or otherwise explain how SPR’s  
6 application is “inconsistent with the criteria” of Chapter 25.24 SMC. In this appeal, SPR will  
7 prove that SPR’s proposal is *consistent* with the Code.

8 **C. The Commission may not deny a Certificate of Approval application based on the  
9 Commission guidelines.**

10 As explained, in evaluating an application, the Commission must refer to the Code  
11 purpose and criteria. *See* SMC 25.24.060.D. The Code does not allow the Commission to deny  
12 an application based on noncompliance with Commission guidelines. Rather, the Code merely  
13 states that the Commission shall make “guidelines according to the criteria as contained in this  
14 Chapter 25.24 for the guidance of property owners within the Historical District.” SMC  
15 25.24.030.C. In contrast, the Code expressly allows the use of guidelines when approving,  
16 denying, or conditioning certificates of approval in other historical districts. *See, e.g.*, SMC  
17 25.16.090, .100 (expressly authorizing application decisions based on guidelines for Ballard  
18 Avenue Landmark District); SMC 25.20.090 (Columbia City); SMC 25.21.110 (Fort Lawton);  
19 SMC 25.22.110 (Harvard-Belmont).

20 Thus, the Commission acted without authority by denying SPR’s application based on  
21 alleged noncompliance with the guidelines.  
22  
23

1 **D. SPR’s request is consistent with the Commission guidelines.**

2 Even if the Commission were authorized to use the guidelines to deny a certificate of  
3 approval amendment, the Commission should have found that SPR’s proposal is consistent with  
4 the guidelines. The guidelines that follow are relevant.

5 Guideline 1.4 states: “While all changes will be considered in light of both these  
6 Guidelines and historical precedent, the Commission has discretionary powers to interpret these  
7 Guidelines as they may apply to individual applications. The Guidelines should stimulate  
8 harmonious and orderly development, while allowing gradual adjustment to varying and  
9 changing Market activities.” Here, the Commission failed to properly exercise its “discretionary  
10 powers” to allow “gradual adjustment” of the park.

11 Guideline 2.12 states in part: “The purpose of the Park is to provide a respite for Market  
12 shoppers and residents, a gathering place for all, and a space for children to play.” (Emphasis  
13 added.) Here, the Commission failed to properly consider the fact that many local tribal members  
14 find the totem poles offensive, not symbols of a gathering place for all.

15 Guideline 2.12.6 states:

16 The Park’s character-defining features should be retained and should not be  
17 altered, disguised or concealed. Character-defining features stem from the Park’s  
18 original design and contribute significantly to the Park’s physical character.  
19 Character-defining features include the berms and their concrete walls, decorative  
railing, totem poles, shelter, children’s council circle/pentagon, benches and seats,  
original planting and landscape plan, original lighting fixtures, plazas and  
walkways.

20 (Emphasis added.) The Decision cites Guidelines 2.12.6 as a basis for denial of SPR’s  
21 amendment application. But Guideline 2.12.6 does not prohibit alterations to “character-defining  
22 features.” In fact, in 2019, the Commission approved many of SPR’s proposed alterations to  
23 “character-defining features.” Here, in light of SMC 25.24.030.D, the Commission should have

1 exercised its discretion under Guideline 1.4 *and* Guideline 2.12.6 and approved SPR's  
2 amendment request.

3 **V. RELIEF SOUGHT**

4 SPR respectfully requests that the Examiner enter an order for one or more of the  
5 following forms of relief:

- 6 1. Reversing the Decision for the reasons set forth above;
- 7 2. Approving SPR's application because the application is consistent with the Code;
- 8 3. Remanding SPR's application to the Commission for further consideration in light  
9 of SMC 25.24.030.D and other Examiner instructions;
- 10 4. Any other relief allowed by law.

1 DATED this 12th day of March 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 12th day of March 2024.

/s/ Ianne T. Santos  
IANNE T. SANTOS

**DECISION**





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 1/24

January 9, 2024

David Graves  
Seattle Parks and Recreation  
300 Elliott Ave W Suite 100  
Seattle, WA Seattle 98119

Dear David Graves,

At its meeting of December 14, 2023, the Pike Place Market Historical Commission considered your application (DONH-COA-01146) to modify Certificate of Approval MHC 93/19 which pertains to the physical renovation of the Victor Steinbrueck Park located at 2001 Western Ave. The current application proposed to: (1) permanently, rather than temporarily, remove the two totem poles from the park; (2) re-open the park upon completion of renovations; and (3) install features designed by the Suquamish and Muckleshoot Tribes where the totem poles had previously been located. In its judgment the element of the proposal to permanently remove the totem poles does not conform to the intent of Seattle Municipal Code 25.24 and the commission's guidelines. By resolution, the commission hereby denies that portion of the application. The remaining elements of the application have been tabled, also by resolution.

The following information was considered in order to render this decision:

Commission staff presented a verbal and written summary of the proposal. These included a written statement by the applicant outlining reasons for the request, details about the timeline and approach to implementing the proposal, the status on preserving and restoring the two totem poles, Certificate of Approval MHC 93/19 and its corresponding approved plans, photos of the park, and a rendering showing the proposed location of the new artwork, which has not

yet been designed. Commission staff summarized the Design Review Committee's report from its meeting on December 6, 2023.

There were 26 written public comments provided to the commission in advance of the meeting. Twenty-five expressed opposition to the proposal. One expressed support for the proposal. There were 19 public comments made during the meeting, and all but one expressed opposition to the proposal. You were given an opportunity to make additional comments about the application.

Commission members next discussed the application. The discussion focused on the poles being an integral and character-defining feature of Victor Steinbrueck Park, and on the poles serving as an iconic element of the Pike Place Market Historical District as whole. There was also commission discussion of Native American artistic representation in the public realm and the importance of ensuring the poles were being properly preserved.

The nine commissioners unanimously voted to table the component of the proposal requesting re-opening of the park upon completion of renovations, citing that they did not have sufficient information to reach a decision. The nine commissioners also unanimously voted to table the component of the proposal requesting installation of features designed by the Suquamish and Muckleshoot Tribes, citing that they did not have sufficient information to reach a decision. Seattle Parks and Recreation will provide further information regarding the two tabled components of the application. Regarding the element of the proposal requesting to permanently, rather than temporarily, remove the two totem poles from the park, six commissioners were opposed to the proposal and three abstained from the vote. Therefore, that portion of the current application was denied.

The following guidelines were applied in order to render this decision:

#### 2.12 "Victor Steinbrueck Park"

Section 2.12.6 states "The Park's character-defining features should be retained and should not be altered, disguised or concealed." The guideline specifically identifies the totem poles as being among the park's character-defining features. The commission determined that removal of the poles would be inconsistent with this guideline.

#### 3.6 "Signs"

Section 3.6.4 states "Significant historic signs, symbols or icons of the Market must be preserved...If a significant historic sign, symbol, or icon of the Market is moved from its

site, it should be displayed in a public place within the District.” The commission determined the totem poles to be an iconic element of the Market and that the proposal to remove them, and not replace them within the park or another location in the District, would be inconsistent with this guideline.

Sincerely,

Grace Leong, Commission Chairperson

By:



Minh Chau Le, Commission Coordinator  
Pike Place Market Historical Commission

**IMPORTANT INFORMATION FOR ISSUANCE OF YOUR LETTER OF DENIAL:**

**APPEAL PROCEDURE:** Any interested person of record may appeal to the City Hearing Examiner the decision of the Commission per SMC 25.24.080. A written notice of the appeal, a copy of this decision, and a \$85.00 filing fee must be filed with the Office of the Hearing Examiner (mailing address: P.O. Box 94729, Seattle, WA 98124-4729; physical address: Suite 4000, 700 Fifth Avenue, Seattle, WA 98104) within fourteen (14) days after the date the Commission’s decision is issued.

The appealable decision on your Certificate of Approval application has now been published. At the conclusion of the appeal period (see above), your Denial will be issued, and you will be notified at that time. Questions regarding the issuance and expiration of your Denial may be addressed to Commission Coordinator Minh Chau Le (206-684-0229, [minhchau.le@seattle.gov](mailto:minhchau.le@seattle.gov)).