

FINDINGS AND DECISION
OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Appeal of

CHARMAINE AND JOHN TOLMICH OF
TOLMICH BAKERY

FILE NO. H-78-002

from a decision of the Pike Place
Market Historical Commission

The appeal is DENIED and the decision
of the Commission is AFFIRMED.

Introduction

The appellants filed an appeal from a denial by the Pike Place Market Historical Commission of a certificate of approval for a sign.

The appellants exercised their right to appeal pursuant to Section 6 of Ordinance 100475, as amended.

This matter was heard before the Hearing Examiner on March 15, 1978.

After due consideration of the evidence elicited during the public hearing, the following findings of fact and conclusions of law shall constitute the decision of the Hearing Examiner on this appeal.

Findings of Fact

1. The appellants, John and Charmaine Tolmich, operators of the Tolmich Bakery, applied for approval from the Pike Place Market Historical Commission, hereinafter Commission, for a sign for their business. Approval was denied after consideration at an official meeting of the Commission, and this appeal followed.

2. The sign, which has been executed, is a clear-finished double plank of cedar with hand-carved, burned-in lettering. An outline of a rolling pin and sheaf of wheat appear to one side of the sign. The appellants chose clear-finished wood to be compatible with the grain colors of their bakery products. The participants in the hearing agreed that the sign showed good craftsmanship.

3. The bakery's retail outlet is on the main arcade of the market. The sign would be hung on the 28 foot wide south wall. Brehm's Delicatessen is located next to the bakery and has clear-finished or exposed wood upper storage cases. Other instances of the use of clear-finished or exposed wood occur throughout the market.

4. The Commission is given authority by Ordinance 100475, as amended, to adopt guidelines to regulate any modification of appearance in the Historical District in order to carry out the purposes of the ordinance. Guidelines so adopted provide that:

The Commission is responsible for making those judgments of design which assure that the character of the market is preserved and that the cultural, economic and historical qualities of the district are maintained.
Section II.A.

Section II.G(1) specifies that "(p)ainted signs...are preferred."

Conclusions

1. The Ordinance provides that the Hearing Examiner may reverse only on a finding that the Commission's decision violates the terms of the ordinance or guidelines or that there was a procedural violation which resulted in prejudice to the applicant. Since what seems to outsiders to be very small details are what give the market its distinctive character, the Commission has been given the authority to make those close aesthetic judgments and so long as its interpretation is reasonable and follows the procedures required by the ordinance its decisions must be upheld. The appellants showed no violation of the terms of the ordinance or guidelines or violations of procedure, therefore, the decision of the Commission is affirmed.

Decision

For each of the above reasons, the appeal is DENIED.

Entered this 24th day of March, 1978.

Margaret Klockars
Margaret Klockars
Deputy Hearing Examiner

Notice of Right to Appeal

The decision of the Hearing Examiner in this case is the final administrative determination and any further appeal must be made to the courts.