

## FINDINGS AND DECISION

### OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Appeal of the

PIONEER SQUARE SMOKE-N-GIFT  
EMPORIUM, CHEMCENTER, INC.,

FILE NO. R-84-002

from a decision by the  
Community Development Director

#### Introduction

Appellant, Pioneer Square Smoke-n-Gift Emporium, Chemcenter, Inc., Glen A. Dodge, President, appeals conditions restricting the certificate of approval issued by the Community Development Director for property at 211 First Avenue South.

This matter was heard before the Office of Hearing Examiner on March 9, 1984.

Parties to the proceedings were: appellant, represented by Thomas A. Goeltz, Cohen, Andrews, Keegan and Goeltz, P.S., and the Community Development Director, represented by James E. Fearn, Jr., assistant city attorney.

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

#### Findings of Fact

1. No application was made for a certificate of approval for a change of use for the property at 211 First Avenue South.
2. The Pioneer Square Preservation Board recommended approval with conditions of a certificate of approval for a change of use at 211 First Avenue South to the Community Development Director who concurred and issued the certificate of approval.
3. Appellant filed appeal of that decision.


#### Conclusion

1. The Pioneer Square Preservation Board (Preservation Board) has jurisdiction to consider and make recommendations on applications for certificates of approval. Section 24.68.060. The Community Development Director has authority to issue or deny certificates of approval after review of the recommendation by the Preservation Board. Section 24.68.050. No jurisdiction lies to grant a certificate of approval for which no application has been filed. Therefore, the certificate of approval issued to appellant is null and void and the appeal should be dismissed.

Decision

The certificate of approval being void, the appeal is hereby dismissed.

Entered this 16<sup>th</sup> day of March, 1984.

  
M. Margaret Klockars  
Deputy Hearing Examiner

Concerning Further Review

The decision of the Hearing Examiner in this case is the final administrative determination by the City. Any request for court review must be filed with the Superior Court pursuant to Chapter 7.16, RCW, within 14 days of the date of this decision. Vance v. Seattle, 18 Wn.App. 418(1977); JCR 73 (1981). Should such request be filed, instructions for preparation of a verbatim transcript are available at the Office of Hearing Examiner. The appellant must initially bear the cost of the transcript but will be reimbursed by the City if the appellant is successful in court.