

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

In the Matter of the Appeal of

VANISHING ART, et CIE.

FILE NO. H-78-003

from a decision of the Pike Place
Market Historical Commission

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

Introduction

The appellant, Vanishing Art et Cie., filed an appeal from a denial by the Pike Place Market Historical Commission, hereinafter Commission, of a certificate of approval requesting the installation of sisal floor covering.

The appellant exercised her right to appeal pursuant to Section 6 of Ordinance 100475, as amended.

This matter was heard before the Hearing Examiner on March 13, 1978.

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

Findings of Fact

1. Vanishing Art, et Cie., the appellant, has been granted authorization to operate an antique store in a recently constructed building at 1927-9 First Avenue. This property is located on the periphery of Pike Place Historical District and is removed from the core of the main market facilities.

2. In a certificate of approval, dated February 28, 1978, the appellant was granted approval for a lighting system but denied approval of the sisal carpeting. The denial was based on reasons contained in a letter dated, February 14, 1978. The Commission stated that insufficient reasons had been given for providing any exception to the general prohibition against carpeting.

3. Section 11A of the Guidelines provides in part:

"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 11E(2)(b) of the Guidelines provides in part:

"Carpet or imitations of wood, brick, tile or stone are generally unacceptable as floor coverings."

4. The appellant argues that the carpeting is needed to reduce noise, to control humidity, and to prevent damage to the antiques. Appellants explained that antiques are

very susceptible to damage from a dry environment and that a carpeting will help hold moisture and assist in the control of humidity.

5. The carpeting itself is described as a sisal material that is of a rough texture and of a brown tone.

6. A tobacco shop which is located in the core Market area has been permitted to have a carpet in order to help control humidity. A shop authorized to sell posters, which is located adjacent to the subject property, was denied the use

Conclusions

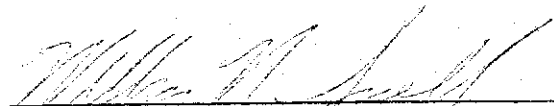
1. Section 6 of Ordinance 100475 provides that the Hearing Examiner may reverse or modify an action of the Commission if he finds that the action taken violates the terms of the ordinance or guidelines. The record in the case shows that the Commission's action was not in violation of either the ordinance or guidelines.

2. The appellant has made strong arguments as to the reasonableness of using the proposed floor covering. However, the guidelines provide a general prohibition against carpet. The Commission which has expertise in the small design details which help maintain the character of the Market has determined that the carpeting is unacceptable. This decision is based on a reasonable interpretation of the ordinance and guidelines. Therefore, the decision of the Commission is affirmed.

Decision

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

Entered this 17th day of March,
1978.



William N. Snell
Hearing Examiner