

FINDINGS AND RECOMMENDATION

OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Recommendation of
the Landmarks Preservation Board for

UNIVERSITY PRESBYTERIAN CHURCH "INN"

FILE NO. LP-80-002

Introduction

The Landmarks Preservation Board (LPB) filed its Recommendations on Controls and Incentives with the Hearing Examiner pursuant to Section 8.03 and 9.01, Ordinance 106348, for the University Presbyterian Church "Inn" property located at 4555-16th Avenue N.E.

A hearing was held on this matter March 23, 1981. The property owner was represented by Lawrence B. Bailey, Quigley, Hatch, Loveridge and Leslie; the LPB by Assistant City Attorney James Fearn, Jr.

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

Findings of Fact

1. The subject property is located on the southwest corner of 16th Avenue N.E. and N.E. 47th Street in the University District of Seattle. It consists of a building and lot addressed as 4555-16th N.E., legal description University Park Addition, Block 16, Lots 1 and 2.

2. The main building of the University Presbyterian Church lies west and across the 14 ft. alley from the subject corner site. The Inn is described as a small, two-level neighborhood type church building constructed in 1916, occupying nearly all of the west half of the site.

3. On August 20, 1980, the LPB voted to approve nomination of the subject property. At the public hearing to consider Landmark Designation of the property, held on October 1, 1980, the LPB found that the property:

- (a) demonstrated the "salient characteristics of late medieval English country chapels", modified by the architect's interpretation. It was further determined that the referred to qualities were "further enhanced by the grounds of the site," thus embodying distinctive visible characteristics of an "architectural style, or period, or a method of construction." 3.01(4).

4. The LPB further considered the structure "an outstanding work of a designer or builder." 3.01(5) As one of the three churches designed by Ellsworth Storey, a "very outstanding early modern architect", the subject structure was considered an "excellent and sensitive interpretation of an English country chapel...." As distinguished from the architect's other two church structures, the subject structure is less eclectic than one but more eclectic than the third.

5. Lastly, with its aged trees and planting and c. 1916 structure, the site was presented as an easily "identifiable visual feature of its neighborhood," considering the proliferation of area parking lots. 3.01(6). LPB witness and Historic Preservation Officer Layman described the site as an oasis to that part of the University District.

6. The Report on Designation issued October 10, 1980, essentially identified the entire exterior of the structure and the total site for preservation. The recommendations were approved by the LPB at the meeting of December 3, 1980.

7. Following the parties failure to reach an agreement by negotiation, the LPB Recommendations on Controls and Incentives were filed with the Hearing Examiner on December 10, 1980.

8. In response to the Recommendations, Counsel for property owners requested an extension of time for filing objections to the Recommendations. An extension was granted to January 23, 1981, at which time the Owner's objections were received.

9. The site landscaping was redone in 1978, including relocation of the walkway, hedgerow and lyche gate.

10. The owner objected to the designation and to the Recommended controls. The site was purchased from the Unitarian Church in 1957 for its value as a site near the vendee University Presbyterian Church. It would later be razed to eventually make way for the Presbyterian Church expansion. The owner submitted that since among other things, roughly 40 percent of the building structure has been remodeled (involving the south side of the building) the Landmark Preservation Ordinance criteria were not met; since the Inn is expensive to maintain; and since it would cost approximately \$38,000 to bring the "Inn" up to Code, Landmark designation would constitute a deprivation of "reasonable economic return" to the owner. The owner's plans are to develop the site into an educational facility for the Church, probably not before 1983. The "Inn" is in present use as a daycare center, with its lower level in use for some Church educational overflow.

11. The LPB Recommendations were for designation of the entire site, trees, walkways, the lyche gate and the "entire exterior of the original structure", provided that changes necessitated by liturgical changes, and provided that in-kind maintenance and repair of the features were to be excluded from the requirement of the advance Certificate of Approval.

Conclusions

1. The LPB has made a prima facie showing that (a) the designation criteria were met, and that (b) the controls recommended are necessary to the purpose of the Ordinance.

2. Although the question of the propriety of the nomination is not before the Hearing Examiner, as agreed by the parties, we note that the subject site with its historic design, consistent landscaping, and prominent location are reflective of the Ordinance purpose and criteria.

3. Further, although part of the structure itself - and the total landscaping - have been subjects of alteration efforts, the controls recommended are necessary to preserve the existing exterior architectural characteristics and flavor of the structure and setting. With specific reference to the landscaping, much of the significance of the structure could be impacted by conflicting or nonexistent landscaping.


4. The adoption of the Recommended Controls would mean that a Certificate of Approval would be required for major alterations or significant changes which might affect the structure and site, unless repair and maintenance were in-kind, or the alteration were necessitated by liturgical changes. In considering any application for a Certificate of Approval the LBP and the Hearing Examiner upon any appeal shall consider:

...the extent to which the proposed alteration or significant change is necessary...to achieving for the owner...a reasonable return on the site...taking into consideration the factors specified in Section 9.05 of this Ordinance and the economic consequences of denial.... (emphasis added) 12.06 (IV)

Recommendation

In light of the foregoing, the Hearing Examiner recommends to the City Council that to assure the preservation of the specified features and characteristics of the above named Seattle Landmark, a Certificate of Approval issued by the City of Seattle's Landmarks Preservation Board pursuant to City Ordinance 106348 must be obtained, or the time for denying a Certificate of Approval application must have expired, before the owner may make major alterations or significant changes which affect the entire exterior of the original structure, or the total site, including any trees planted on the site, the perimeter hedgerow, walkways, and the lyche gate; provided that changes in such features necessitated by changes in the liturgy are excluded from this requirement, as are all in-kind maintenance and repair of the above noted features.

Entered this 26th day of April, 1981.


Leroy McCullough
Hearing Examiner

Notice of Right to Appeal

Any party of record may appeal the Findings and Recommendation of the Hearing Examiner to the City Council. An appeal must be in writing and filed with the City Council and served on other parties of record within 30 days after the Hearing Examiner's decision is served on the party appealing.