

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

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

BETHANY PRESBYTERIAN CHURCH

FILE NO. LP-81-004

Introduction

The Landmark Preservation Board, hereinafter LPB, filed its Recommendations on Controls and Incentives with the Hearing Examiner pursuant to Chapter 25.12, Seattle Municipal Code, for Bethany Presbyterian Church located at 1818 Queen Anne Avenue North in Seattle.

The hearing was held on September 17, 1981. Parties to the proceeding were LPB represented by Assistant City Attorney James Fearn Jr.; the property owners were represented by Robert Yothers.

The record was reopened on September 27, 1981, for submission of photographs of the property as agreed to by all parties concerned on September 17, 1981, as additional evidence.

After due consideration elicited during the public hearing, 39 letters received by the Office of the Hearing Examiner made part of the record herein, and the items contained in the file herein, the following findings of fact and conclusions constitute the decision of the Hearing Examiner on this recommendation.

Findings of Fact

1. The subject of this cause is Bethany Presbyterian Church property located at 1818 Queen Anne Avenue North in Seattle. The legal description of the property is:

Laws Second Addition, Block 15, Lot 5-10.

2. On or around December 3, 1980, the LPB designated the Bethany Presbyterian Church as an historic landmark.

3. The LPB found the designation satisfied Criteria 4 and 6 of Ordinance 106348, Section 3.01.

Criterion No. 4: It embodies the distinctive visible characteristics of an architectural style, or period, or a method of construction.

Criterion No. 6: Because of its prominence of spatial location, contrast of siting, or scale, it is an easily identifiable feature of its neighborhood or the City and contributes to the distinctive quality or identity of such neighborhood or the City.

4. The subject of the LPB approved Recommendations on Proposed Controls follows:

1. The exterior of the building complex and site which is visible from Queen Anne Avenue, but including the entire tower, where those changes would require application for a City Permit; and
2. provided that all in-kind maintenance and repair of the above features and characteristics shall be excluded from the Certificate of Approval requirements; and

3. provided that nothing herein shall prevent any changes in such features where such changes are necessitated by changes in the liturgy, it being understood that the owner is the exclusive authority on liturgy and is the decisive party in determining what architectural changes are appropriate to the liturgy; provided further, that when it is proposed to make changes necessitated by changes in liturgy, the owner shall communicate the nature of such proposed change to the Landmarks Preservation Board in order to receive comment, and, if required the Board shall issue a Certificate of Approval; however, prior to the issuance of any Certificate, the Board and owner shall jointly explore such possible alternative design solutions as may be appropriate or necessary in order to preserve the above specified features of the landmark.
5. The LPB required a Certificate of Approval to be issued by the LPB or the time for denying a Certificate of Approval application to have expired before the property owner could make alterations or significant changes to the designated landmark as per the Controls.
6. The LPB approved recommendation for Proposed Incentives is as follows:
 1. Pursuant to Section 28.2 SPECIAL EXCEPTIONS of the City Zoning Code, certain incentives are noted as potentially available, on an application basis, to the owners.
7. The above mentioned recommendations for Proposed Controls and Incentives were approved at the July 1, 1981, LPB meeting; and were filed with the Office of the Hearing Examiner on September 13, 1981.
8. The property owner, through their counsel, Robert Yothers, requested an extension of the due date for response and/or objections to August 7, 1981.
9. The Landmarks Preservation Coordinator had no objection to the requested extension to August 7, 1981, which was approved by the Office of the Hearing Examiner.
10. On August 4, 1981, the property owners filed their objections to the LPB's Proposed Controls with the Office of the Hearing Examiner.
11. The Bethany Presbyterian Church is one of the few successful adaptations of an English Gothic architectural structure in the City of Seattle. It was built between 1929 and 1930.
12. The entire tower of the Church is visible throughout the surrounding neighborhood.
13. The prominent tower and spire of the church are sited on the central plateau of Queen Anne hill; they contribute to the identity of the neighborhood.
14. No clear developmental or architectural plan exists at the present for the expansion of the building structure.
15. The building itself is not significant to the style of worship by the church membership.
16. The term "liturgy" is not defined in the ordinance.

Conclusions

1. The Hearing Examiner has jurisdiction of Landmark Preservation cases pursuant to Ordinance 106348, the Landmarks Preservation Ordinance (Seattle Municipal Code, Section 24.12.570).

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

3. Adoption of the LPB recommended Proposed Controls and Incentives will not deprive the property owners of a reasonable economic use of the property.

4. Since the terms "liturgy" is not defined in the Seattle Municipal Code, it will be given its ordinary meaning. Tacoma Telco Fed. Credit Union v. Edwards, 94 Wn.2d 666, 669 (1980); Seattle-First National Bank v. Snell, 29 Wn.App. 500, 506 (1981).

5. The term "liturgy" is defined in Webster's New World Dictionary (2nd Ed., 1978) as:

"1. Prescribed forms or ritual for public worship in any of various religions or churches...."

6. Item 3 of the Proposed Controls acknowledges authority in the church to conduct its public worship in whatever prescribed form or ritual it chooses.

7. The exterior of the building complex visible from Queen Anne Avenue and its entire tower structurally are not dependent upon the church's liturgy. Proposed Control Item No. 1 properly attempts to preserve the English Gothic architectural style by requiring a Certificate of Approval to be issued by the LPB, or the time for denying such an application to have expired, before the owner may make alterations or significant changes.

9. Proposed Control Item No. 2 properly allows for the maintenance and repair of the features and characteristics designated in Control No. 1.

10. Because the LPB has not recommended any control pertaining to the interior of the building structure, the church has total discretion to make alterations or significant changes inside, as long as the other relevant sections of the Seattle Municipal Ordinance are followed.

11. Since no objections were made pertaining to the LPB Proposed Incentives, they will be adopted by this Hearing Examiner.

Recommendation

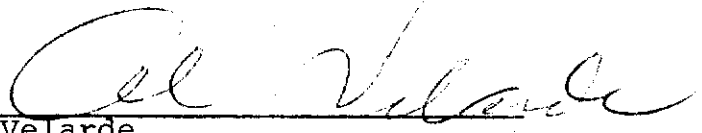
The Hearing Examiner recommends to assure preservation of the specified features and characteristics of the Bethany Presbyterian Church as a designated Seattle Landmark, a Certificate of Approval issued by the Landmarks Board must be obtained, or the time for denying a Certificate of Approval application must have expired, before the owner may make alterations or significant changes to:

1. The exterior of the building complex and site which is visible from Queen Anne Avenue, but including the entire tower, where those changes would require application for a City Permit; and,
2. provided that all in-kind maintenance and repair of the above features and characteristics shall be excluded from the Certificate of Approval requirements; and
3. provided that nothing herein shall prevent any changes in such features where such changes are necessitated by changes in the liturgy, it being understood that the owner is the exclusive authority on liturgy and is the decisive party in determining what architectural changes are appropriate to the liturgy; provided further, that when it is proposed to make changes necessitated by changes in liturgy, the owner shall communicate the nature of such proposed change to the Landmarks Preservation Board in order to receive comment, and, if required the Board shall issue a Certificate of Approval; however, prior to the issuance of any Certificate the Board and owner shall jointly explore such possible alternative design solutions as may be appropriate or necessary in order to preserve the above specified features of the landmark.

The Incentives proposed by the LPB are appropriate:

1. Pursuant to Section 28.2 SPECIAL EXCEPTIONS of the City Zoning Code, certain incentives are noted as potentially available, on an application basis to the owner.

Entered this 15 day of October, 1981.


Al Velarde
Hearing Examiner Pro Tempore

Notice of Right to Petition
For Further Consideration

Pursuant to 25.12.620, Seattle Municipal Code, any party of record may file a written notice of appeal with the City Council within 30 days after the date of mailing the recommendation of the Hearing Examiner. Copies must be served on all parties of record.