

FINDINGS AND DECISION

OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Appeal of

OLIVIA AND WILLIAM PADDEN

FILE NO. LP-84-001

from a decision of the Landmarks
Preservation Board

Introduction

Appellants, Olivia and William Padden, appeal the partial denial of a certificate of approval for certain changes to property at 1137 Harvard Avenue East.

The appellants exercised their right to appeal pursuant to Chapters 25.12 and 25.22, Seattle Municipal Code.

Parties to the proceedings were: appellants represented by Susan R. Agid, Cohen, Andrews, Keegan and Goeltz, P.S., and the Landmarks Preservation Board represented by James E. Fearn, Jr., assistant city attorney and Arlene Ragozin, legal intern.

The hearing was held before the Hearing Examiner on September 21, 1984.

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. The Landmarks Preservation Board (Board) denied, in part, a certificate of approval for repairs done by appellants to the residence at 1137 Harvard Avenue East. Appellants challenge the denial.

2. The residence at 1137 Harvard Avenue East is within the Harvard-Belmont Landmark District and is designated as a "Category 1" house. It was designed by Carl F. Gould and built in 1911.

3. The exterior of the subject residence was found to be in need of restoration, some features being badly deteriorated. Luther Hintz, architect with interest and experience with historic structures, was retained to consult on the restoration and repair. As part of that work the porte-cochere at the front of the house was to be cleaned and painted. During the course of the work on the exterior it was discovered that the base of the columns had rotted out. The structure was dangerous to workers and others so had to be replaced.

4. The original columns were constructed of four solid corner pieces with latticework panels on each side all resting on intricately formed concrete footings decorated with relief.

5. The National Register nomination referred specifically to the "porte cochere supported by graceful boxed posts featuring decorative and latticework spacers."

6. Because it appeared to the architect that the accumulation of wind-driven rainwater inside the latticework was a factor in the deterioration of the wood, he advised against the replacement of the panels with more latticework.

7. Above the porte-cochere, surrounding a balcony under the fan window, was a balustrade supported by latticework panels between balusters. Water had collected in the rain gutters because the whole structure had shifted as a result of the rotted columns and had penetrated the mouldings. So this feature had to be replaced as well.

8. Mr. Hintz obtained the original plans for the structure and discussed the rehabilitation with the architect's son, Carl Gould, Jr., before beginning work on the porte-cochere. Carl Gould, Jr. expressed his opinion to Mr. Hintz that the retention of original proportions and rhythm of space was more important than the detail.

9. Mr. Hintz carefully recorded shapes and proportions of the original mouldings and other features so that the new parts would replicate the proportions and visual weight. Some mouldings were custom-made when replicas could not be found. He used a motif found on a balcony on the rear of the house for the feature above the porte-cochere. That allowed the interspersing of solid panels with balusters. The new columns supporting the porte-cochere were designed with the same dimensions and proportions as the original. The new footings were also made the same size as the original.

10. Early pictures show latticework against the lower shingles to each side of the porte-cochere across the face of the house. This latticework was removed sometime prior to the current renovation project.

11. The original porte-cochere was built with first-growth timber which is no longer available. Water-treated lumber is available now and was not in 1911.

12. The trustee has spent in excess of \$100,000 on the exterior renovation of the house. The cost of using latticework in the columns could be in excess of \$6,000 while the use of solid panels could reduce that by half.

13. The Board denied the application for a certificate of approval for the work on the columns and the balcony railing above the porte-cochere. Its findings, entered after remand for that purpose, in pertinent part, are:

- 2) that the replacement of the latticework of the porte cochere columns and the railing details on the porte cochere adversely affect the specific features of the property as described in the designating ordinance by detracting from and changing the character of the original design as built by Carl Gould, Sr.;
- 3) that changes to the porte cochere columns and railing also are inconsistent with the Harvard/Belmont Landmark District Development and Design Review Guidelines which state that "Category 1 buildings are the most important in the district and these properties shall, to the greatest extent possible, retain the intrinsic historic values recognized when the district was formed. The Board finds the proposed changes to be intrusive ones, detracting from the values for which the district was recognized;

- 4) that the changes to the porte cochere columns and railing are also inconsistent with the Secretary of Interior's Standards for Rehabilitation (adopted by the Landmarks Board as its Guidelines in reviewing and making decisions on Certificate of Approval applications) which state, in part:

"(2) The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible."

and,

"(6) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition design, color, texture, and other visual qualities.";

- 5) that the owner proposed no alternatives to replacement of the porte cochere columns and railing; and,
- 6) that the owner presented no arguments that the proposed changes to the porte cochere columns and railing were necessary in achieving for the owner a reasonable return on the site and that no economic argument was made in accordance with the factors specified in Section 9.05(c).

14. The Development and Design Review Guidelines for the Harvard/Belmont Landmark District categorized the buildings within the district into three levels. Under II., Criteria and Values, Category 1 buildings are:

Buildings and significant landscape elements with an identifiable architectural or historic significance in satisfaction of the appropriate criteria of the Seattle Landmark Ordinance (106348). These buildings characterize a distinctive architectural style, or contain elements of design, detail, material or craftsmanship which are characteristic of an architectural period. The preservation of these elements is of primary importance to the District. May also include historic sites.

Exhibit 9, p. 3.

15. The District guidelines for C. Individual Buildings, includes:

Preserve the visual quality of individual facades including use of materials, form and structure.

16. The current owners were unaware of the controls on their residence when they purchased it and began renovation.

17. There are several alternative approaches to construction which could avoid the rain penetration problem, i.e., a sloped footing, weather-treated wood, latticework on the outside of a solid panel or removable features.

18. Members of the Landmarks Board have special interest or expertise in preservation issues.

Conclusions

1. In reviewing applications the Board is to consider the purposes of the Harvard-Belmont Landmark District ordinance, the criteria set out in Sections 25.22.040-.060, guidelines promulgated by the Board, which include the Secretary of the Interior's that the Board adopted as its own, the historical and architectural value and significance of the property, the architectural type and general design, the arrangement, texture, material and color of the building, the relationship of these features to similar features within the District and the position of the building in relation to the street and to other buildings. The Hearing Examiner is to make the same consideration on review of an appeal. Section 25.22.110.

2. Appellants urge that the decision to require replacement of the latticework has the effect of discouraging maintenance in contradiction of one of the purposes of the ordinance which is to preserve historic buildings in the District. They point out that all of the essential features and proportions have been retained or painstakingly duplicated and that the owners' choice to avoid future maintenance problems and additional expense by altering a non-essential feature should be respected.

3. While the original architect's son and Mr. Hintz opine that it is the proportions that are essential and the substitution is historically correct or acceptable, consideration of the guidelines and architectural value of the structure dictate a contrary conclusion. That the latticework in the porte-cochere columns was specifically mentioned in the nomination indicates that detail's architectural significance. Moreover, the definition of Category 1 buildings in the District Guidelines refers to "design, detail, materials or craftsmanship" which the latticework certainly represents.

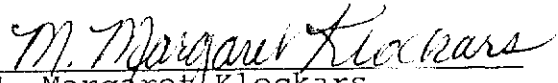
4. The Secretary of the Interior's Guidelines for Rehabilitating Historic Buildings sets out a hierarchy for activity in the retention of the historic character of buildings. While repair is recommended over replacement, if the level of deterioration precludes repair, replacement is to be in kind. Only if that is not technically or economically feasible do they provide for consideration of a substitute. Further, only if the feature is missing so the design is unknown may a new design compatible with the historic character of the building be used. Here, replacement is necessary but the original design is available. There has been a largely uncontroverted showing of the technical feasibility of avoiding the problem causing the deterioration. While the doubled cost of replicating the latticework is troubling, there was no showing that this is not economically feasible and it is small in relation to the total cost of the exterior work.

5. The examiner recognizes that the relative values of detail versus proportion are subjective, as shown by the disagreement between the Board on one hand and Mr. Gould and appellants' architect on the other. While no special weight is required to be given to the decision made by the Board, because the Board's opinion is based on, or is reflected in, the nomination and guidelines, the examiner must agree with it in the consideration of the factors in Section 25.22.010. Therefore, the decision must be affirmed.

Decision

The decision of the Landmarks Preservation Board is AFFIRMED.

Entered this 4th day of October, 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, and is not subject to reconsideration except to correct errors on the ground of fraud, mistake, or irregularity in vital matters. Any request for judicial review must be filed with the Superior Court pursuant to Chapter 7.16, RCW, within fourteen days of the date of this decision. Akada v. Park 12-01 Corporation, 37 Wn. App. 221 (1984); JCR 73. 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. Instructions for preparation of the transcript are available from the Office of Hearing Examiner, 400 Yesler Building, Seattle, Washington 98104.