

Ordinance No. 109586

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AN ORDINANCE relating to historic preservation, imposing controls upon the Brace/Moriarty Residence, a Landmark designated by the Landmarks Preservation Board under Ordinance 106348.

COMPTROLLER
FILE NUMBER _____

Council Bill No. 101642

INTRODUCED: SEP 2 1980	BY: EXECUTIVE REQUEST
REFERRED: SEP 2 1980	TO: URBAN DEVELOPMENT & HOUSING
REFERRED:	
REFERRED:	
REPORTED: DEC 22 1980	SECOND READING: DEC 22 1980
THIRD READING: DEC 22 1980	SIGNED: DEC 22 1980
PRESENTED TO MAYOR: DEC 23 1980	APPROVED: DEC 29 1980
RETURN TO CITY CLERK: DEC 29 1980	PUBLISHED:
VETOED BY MAYOR:	VETO PUBLISHED:
PASSED OVER VETO:	VETO SUSTAINED:

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ORDINANCE 109586

AN ORDINANCE relating to historic preservation, imposing controls upon the Brace/Moriarty Residence, a Landmark designated by the Landmarks Preservation Board under Ordinance 106348.

WHEREAS, the Landmarks Ordinance (106348) establishes a procedure for the designation and preservation of structures and areas having historical, cultural, architectural, engineering or geographic importance; and

WHEREAS, the Landmarks Preservation Board after a public hearing on October 17, 1979 voted to approve the nomination of the Brace/Moriarty Residence, 170 Prospect Street, Seattle as a Landmark under Ordinance 106348; and

WHEREAS, after public hearings on November 21, and December 5, 1979, the Board voted to approve the designation of the Brace/Moriarty Residence as a Landmark under Ordinance 106348; and

WHEREAS, the Board recommends to the City Council approval of the controls and incentives; Now, Therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That the designation by the Landmarks Preservation Board of the Brace/Moriarty Residence, more particularly described as Block 18, Lots 1 and 2 of Mercer's Addition to North Seattle, as a Landmark based upon satisfaction of the following criteria of Ordinance 106348:

It embodies the distinctive visible characteristics of an architectural style, or period, or of a method of construction. Because of its prominence of spatial location, contrasts of siting, age, or scale, it is an easily identifiable visual feature of its neighborhood or the city and contributes to the distinctive quality or identity of such neighborhood or the city.

is hereby acknowledged.

Section 2. The following controls upon alteration of the landmark are hereby imposed:

A Certificate of Approval must be obtained at the time for denying a Certificate of Approval must have expired before the owner may make alterations or additions to that

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portion of the site or the exterior of the residence visible from Prospect Street and Bigelow Avenue North (which comprises Queen Anne Boulevard), when such changes also require a Building Use or Demolition Permit.

Any in-kind maintenance and repair of the above noted features shall be excluded from the above controls.

Section 3. The following economic incentives are hereby made available to the owner:

1. The incentives available to all Seattle Landmarks under the City's Zoning Ordinance;

2. Historic Preservation Grants-in-Aid funds, on an application basis, should the property be entered in the National Register of Historic Places.

Section 4. Enforcement of this Ordinance and penalties for its violation shall be as provided in Section 14.08 of Ordinance Number 106348.

Section 5. The City Clerk is hereby directed to record this ordinance with the King County Director of Records and Elections, deliver two copies to the City Historic Preservation Officer, 400 Yesler Building, and deliver one copy to the Superintendent of Buildings.

(To be used for all Ordinances except Emergency.)

Section ⁶ This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 22 day of December, 1980
and signed by me in open session in authentication of its passage this 22 day of
December, 1980 *Paul Grady*
President of the City Council.

Approved by me this 29 day of December, 1980 *Charles Pope*
Mayor.

Filed by me this 29 day of December, 1980

Jim Hill
Attest: City Comptroller and City Clerk.

(SEAL)

Published _____

By *Theresa Dunbar*
Deputy Clerk.

RECEIVED

JUN 25 1980

Seattle Hearing Examiner

William N. Snell, Hearing Examiner
M. Margaret Klockars, Deputy

MICHAEL HILDT
SEATTLE CITY COUNCIL



June 25, 1980

Michael Hildt, Chairperson
Urban Development and Housing
Committee
Seattle City Council
11th Floor, Municipal Building
Seattle, Washington 98104

Dear Councilmember Hildt:

Enclosed are the various documents filed with the Office of Hearing Examiner for the Brace/Moriarity Residence at 170 Prospect Street.

Since no objections to the Controls and Incentives recommended by the Board were filed by the owner, the Board's recommendation and supporting documents are forwarded without further action by the Hearing Examiner for Council action.

Very truly yours,

M. Margaret Klockars
Deputy Hearing Examiner

MMK:jn
enc.



RECEIVED

MAR 10 1980

OFFICE OF HEARING EXAMINER

The City of Seattle

Landmarks Preservation Board

400 Yesler Building Seattle, Washington 98104 • (206) 625-4501

LPB-7 //80

March 10, 1980

Ms. Margaret Klockars, Acting Hearing Examiner
Office of the Hearing Examiner
400 Yesler Building
Seattle, Washington 98104

SUBJECT: Brace/Moriarty Residence, 170 Prospect Street.

Dear Ms. Klockars:

In accordance with Section 8.03, Ordinance 106348, the City of Seattle Landmarks Preservation Board hereby files its recommendations, approved March 05, 1980, on Controls and Incentives for the subject property, attached, since no written agreement was reached by Board Staff and owner.

A copy of this letter and the Board's recommendations on Controls and Incentives will also be served on the owner and any interested person of record. According to Section 9.01, Ordinance 106348, written objections to the Board's recommended Controls and Incentives must be filed with the Hearing Examiner not later than fifteen (15) days after the receipt of the recommendations.

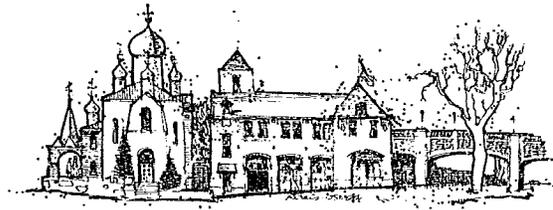
Sincerely,


Roberta Deering, Coordinator
Landmarks Preservation Board
RD:rd

enclosure

cc: James Moriarty, 170 Prospect St, Seattle, Wa. 98109 VIA CERTIFIED MAIL
James Daly, Chairperson, Landmarks Preservation Board
Queen Anne Historical Society VIA CERTIFIED MAIL
Queen Anne Community Council VIA CERTIFIED MAIL

Administered by The Office of Urban Conservation, The Seattle Department of Community Development



The City of Seattle

Landmarks Preservation Board

400 Yesler Building Seattle, Washington 98104 • (206) 625-4501

LPB-116/80

RECOMMENDATIONS ON CONTROLS AND INCENTIVES: Approved by the Landmarks Preservation Board at their meeting held, March 05, 1980.

The Brace/Moriarty Residence, 170 Prospect Street.

To assure the preservation of the specified features and characteristics of the landmark, the following controls and incentives shall be imposed:

CONTROLS:

A Certificate of Approval issued by the 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:

significant changes, alterations or additions to that portion of the site or the exterior of the residence visible from Prospect Street or Bigelow Avenue North (which comprises the Queen Anne Boulevard), and which changes also require application for Building or Demolition Permits;

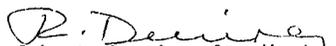
provided that any in-kind maintenance or repair of the above noted features shall be excluded from these controls; and, provided that the controls shall not pertain to the removal of the diseased monkey puzzle tree in the front yard.

INCENTIVES:

The following economic incentives are hereby noted as potentially available to the owner:

- the incentives to all Seattle Landmarks, on an application basis, under the Zoning Code;
- the availability of Historic Preservation Grants-in-Aid funds, on an application basis, should the property be listed in the National Register of Historic Places.

Submitted, March 10, 1980 to the Office of the Hearing Examiner


Roberta Deering, Coordinator
Landmarks Preservation Board

RD:rd

Administered by The Office of Urban Conservation, The Seattle Department of Community Development

Your
Seattle
Community Development
OFFICE OF URBAN CONSERVATION
Memorandum



LPB-268/80

June 19, 1980

To: Margaret Klockars, Office of Hearing Examiner
From: Roberta Deering, ^PCoordinator Landmarks Preservation Board
Subject: Brace/Moriarty House, 170 Prospect Street.

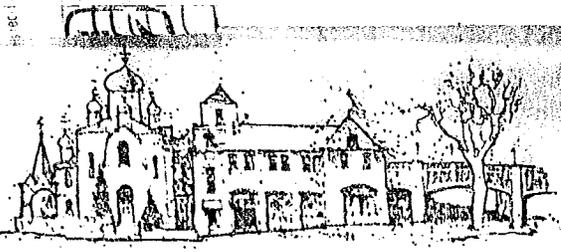
Attached are the documents in the case involving the Hearing Examiner's review of Proposed Controls and Incentives for the Landmarks Designation of the subject property for recommendation to the Seattle City Council without the agreement from the owner.

Please call me (x4501) should you have any questions on the attached.

RECEIVED
1980

OFFICE OF HEARING EXAMINER

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The City of Seattle
Landmarks Preservation Board
400 Yesler Building, Seattle, Washington 98104 • (206) 625-4501

February 21, 1980

LPB 96/80

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. James Moriarty
170 Prospect Street
Seattle WA 98109

SUBJECT: Brace/Moriarty Residence
170 Prospect Street

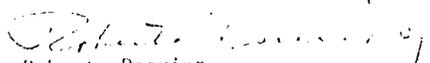
Dear Mr. Moriarty:

At its February 20, 1980 meeting, the Landmarks Preservation Board reviewed your letter of February 20, 1980 and voted to defer action on proposed controls and incentives for the subject property until their March 5, 1980 meeting at which you indicated you could be in attendance.

The meeting will be held at 3:30 p.m. in the Board of Public Works Conference Room, Third Floor, Municipal Building, 600 Fourth Avenue.

Please call me (625-4501) if you have any questions.

Sincerely,


Roberta Deering,
Board Coordinator

RD:ed

cc James Daly, Chairperson
Fauline Hanover, Queen Anne High School
Queen Anne Community Council

Administered by The Office of Urban Conservation - The Seattle Department of Community Development

Administered by The Office of Urban Conservation - The Seattle Department of Community Development

February 19, 1980

The City of Seattle
Landmarks Preservation Board
400 Yesler Building
Seattle, Washington 98104

Attention: Roberta Deering, Coordinator
Landmarks Preservation Board

Subject: BRACE/MORIARTY RESIDENCE, 170 Prospect Street

Reference: Letter dated January 2, 1980,
J.T. Moriarty to Roberta Deering;
Same Subject

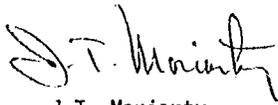
Dear Ms. Deering:

Since our meeting regarding controls and incentives on the subject property I have come to the conclusion that I am opposed to my property being selected by the Landmarks Preservation Board as a historic site.

The primary concern is that my residence is the largest asset regarding my net worth and that the controls proposed would limit the property potential value.

To request a delay for 40-45 days in order to prepare feasibility designs on the roof line would create an economic hardship upon me at this time.

p.s. I will attend March 5 meeting if further discussion is desired.


J.T. Moriarty

cc: Robert H. Lamb, PS Attorney
Logan Building

RECEIVED
FEB 20 1980

CITY OF SEATTLE
OFFICE OF URBAN CONSERVATION

January 21, 1980

The City of Seattle
Landmarks Preservation Board
400 Yesler Building
Seattle, Washington 98104

Attention: Roberta Deering, Coordinator
Landmarks Preservation Board

Subject: BRACE/MORIARTY RESIDENCE, 170 Prospect Street

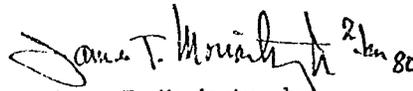
Reference: Letter LPB-332/79, Dated 17 December 1979;
Same Subject

Dear Ms. Deering:

The Landmarks Preservation Board requested in the referenced letter written confirmation on either for or against negotiating controls and incentives. I do not wish to negotiate controls on my residence until we establish what portions of my residence will be controlled.

I have previously stated that the roofline (mission style shaped gable dormer and a broad hipped roof) not be included in the description of historical significance. I do intend to change the roofline and expand the first floor rear portion for kitchen remodeling. Also included will be removal of a large pine (monkey tree) which obstructs my view from the second floor and continues to shed all new growth.

If we can establish that the first two stories are the limits to control, I will be willing to start negotiations on formalizing controls and incentives.


James T. Moriarty, Jr.

cc: Robert H. Lamb, PS Attorney
Logan Building



The City of Seattle

Landmarks Preservation Board

400 Yesler Building Seattle, Washington 98104 • (206) 625-4501

LPB- 333/79

NOTICE OF REPORT ON DESIGNATION

December 17, 1979

Mr. James Moriarty
170 Prospect Street
Seattle, Washington 98109

Subject: BRACE/MORIARTY RESIDENCE, 170 Prospect Street

Dear Mr. Moriarty:

Enclosed you will find a copy of the Landmarks Preservation Board's Report on Designation of the Brace/Moriarty Residence, 170 Prospect St. as a City of Seattle Landmark.

In accordance with Section 6.03 of the Landmarks Preservation Ordinance 10634B, the Board hereby issues notice of the Board's meeting to be held Wednesday, February 20, 1980; 3:30 p.m., in the Board of Public Works conference room (3rd Floor, Seattle Municipal Building). At this meeting the Board will consider controls and incentives, if any, to be applied to preservation of specific features of the site, improvement or object in question.

The Landmarks Preservation Board hereby requests the owner to consult and confer with the Board staff to develop and agree upon controls and incentives. In accordance with Part VIII of the Landmarks Preservation Ordinance 10634B, if, within fifteen (15) days of the commencement of the negotiation period (commencement date is December 19, 1979) the owner fails to contact the Board staff, or notifies the staff that said owner declines to negotiate controls and incentives, the staff shall promptly prepare and transmit to the Board its recommendations for controls and incentives for the subject site, improvement or object to be considered at a public meeting to be held at date and time as noted above.

Administrative Services Section, Seattle Department of Community Development

The negotiation period may run for a maximum of seventy-five (75) days from the date of service of the Board's Report on Designation on the owner. The negotiations shall terminate if either party concludes that an impasse has been reached and so notifies the other party in writing and if the other party does not object within seven (7) days after receipt of such notice. If the owner and the Board staff reach written agreement within the period allotted for negotiation, the Board staff shall promptly submit the agreement to the Board for approval at a Board meeting to be held not later than twenty (20) days after the written agreement is reached, or within such further time as the Board and owner may stipulate in writing. Notice of such Board meeting shall be served on the owner and mailed to interested persons of record at least fifteen (15) days prior to such meeting. Within three (3) working days after such meeting the Board shall serve upon the owner, and mail to interested persons of record, notice of its approval or disapproval of the agreement and specify the reasons therefor.

If the agreement on controls and incentives between the Board staff and owner is approved by the Board, the Board shall transmit the agreement to the Council with a request for Council action pursuant to Section 11.01 of the Landmarks Preservation Ordinance.

In the event the Board staff and the owner are unable to reach an agreement by negotiation, or in the event the agreement reached is disapproved by the Board, the Board shall file its recommendation on controls and economic incentives, if any, with the Hearing Examiner and serve same on the owner and the owner shall have an opportunity to file objections thereto. The controls proposed in such recommendation shall relate to the specific feature or features of the site, improvement or object which are to be preserved. The recommendation shall set forth the reasons and the need for each proposed specific control and for any proposed economic incentive and shall, in addition, state the circumstances under which a Certificate of Approval shall be required with respect to any alteration or significant change to the site, improvement or object if the proposed controls are imposed. The Board may hold a public hearing prior to the making of its recommendation.

Please contact the Board staff in writing by Thursday, January 3, 1980, indicating that you either do or do not wish to negotiate controls and incentives. Written contacts with the Board's staff should be directed to the undersigned.

Sincerely,

Roberta Deering, Coordinator
Landmarks Preservation Board

RD:ih
cc: William Justen, Building Department
Queen Anne Historical Society

Enclosure: Report on Designation



The City of Seattle

Landmarks Preservation Board

400 Yesler Building Seattle, Washington 98104 • (206) 625-4501

December 17, 1979

LPB-332/79

REPORT ON DESIGNATION

NAME OF PROPERTY: Brace/Moriarty Residence
ADDRESS: 170 Prospect Street
LEGAL DESCRIPTION: Mercers Addition to North Seattle, Block 18, Lots 1 and 2
OWNER: James Moriarty

RECOMMENDATIONS FOR DESIGNATION:

On October 17, 1979, the Seattle Landmarks Preservation Board voted to approve nomination of the above property for consideration as a Seattle Landmark. Subsequently, at their hearings on November 21 and December 5, 1979, the Landmarks Preservation Board voted to approve the designation of the subject property as a Seattle Landmark based upon satisfaction of the following criteria of Ordinance 106348:

3.01 (4) It embodies the distinctive visible characteristics of an architectural style, or period or of a method of construction:

Built in 1904, the Brace/Moriarty Residence is one of the earliest examples of the Mission Style remaining in Seattle. Designed by the Kerr and Rogers partnership, the house is architecturally unique in several respects, beginning with the river rock foundation designed to give the appearance of dry wall construction. The first story exterior treatment is also unique, imitating masonry construction with a wooden vocabulary of boards and battens. One of the most outstanding features of the residence is its recessed front porch which extends across the full length of the facade. The porch is enhanced by a series of seven round-arched openings detailed with exceptional Sullivanesque-styled casings. More typical Mission Style features including a shaped gable dormer, and a broad hipped roof are also present. A strong unity of composition and an excellence in detailing recommend this residence as one of the best and most unusual examples of its type in Seattle.

Administered by The Office of Urban Conservation, The Seattle Department of Community Development

Administered by The Office of Urban Conservation, The Seattle Department of Community Development

- 3.01 (6) Because of its prominence of spatial location, contrasts of siting, age, or scale, it is an easily identifiable visual feature of its neighborhood or the city and contributes to the distinctive quality or identity of such neighborhood or city:

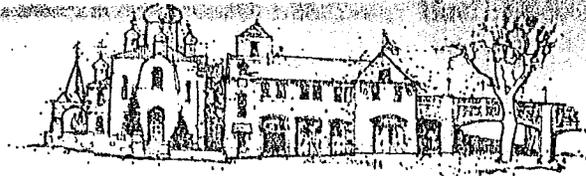
In addition to its unique character and architectural distinction, the Brace/Moriarty house contributes significantly to the border urban landscape amenity of the Queen Anne Boulevard system of which Prospect Street is a part. The Boulevard system is fronted upon by a number of pretentious and imposing residences of a consistent quality representing original and eclectic styles prevalent during the early 1900's. The Brace/Moriarty residence complements these residences and the broader landscape context linking them together.

Earl D. Layman
City Historic Preservation Officer

by:


Roberta Deering,
Board Coordinator
December 17, 1979





The City of Seattle

Landmarks Preservation Board

400 Yester Building Seattle, Washington 98104 • (206) 625-4501 LPB-308/79

November 28, 1979

Mr. James Moriarty
170 Prospect Street
Seattle, Washington 98109

SUBJECT: 170 Prospect Street.

Dear Mr. Moriarty:

At its hearing last week (November 21), the Landmarks Board began deliberations to consider designation of the subject property as a Seattle Landmark. During the Public Testimony portion of the hearing, Ms. Pauline Hanover of the Queen Anne Historical Society, mentioned that she had spoken with you on this matter and that you had concerns about the designation of your property. Members of the Landmarks Board were concerned about taking any action on your property that day if any questions you might have had not been answered. Therefore, the Landmarks Board voted to continue the hearing on your property to their next meeting date, Wednesday, December 5, 1979 (at 4:30 p.m., Mayor's Conference Room, 12th Floor, Municipal Building, 600 - 4th Avenue). This continuation is to allow staff time to contact you to discuss any concerns you may have on this matter.

Mr. Earl Layman, the City Historic Preservation Officer, has been trying to contact you by phone these past two days without success. Hopefully, by the time this letter reaches you he will have made contact; if not, please call either Mr. Layman or myself during the day at 625-4501, or stop by the Office of Urban Conservation at the address on the letterhead to see us.

Sincerely,

Roberta Deering
Roberta Deering, Coordinator
Landmarks Preservation Board

cc: James Daly, Chairperson Landmarks Board
Pauline Hanover, Queen Anne Historical Society

Administered by The Office of Urban Conservation, The Seattle Department of Community Development

Administered by The Office of Urban Conservation, The Seattle Department of Community Development

CLASS POSTAGE
ADDITIONAL SERVICES (see front)
left portion of the address side of
a post office service window or
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side of the envelope.
If your name and address on a return
by means of the gummed ends it separates
RETURN RECEIPT REQUESTED
Authorized agent of the address
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Form 3811



The City of Seattle

Landmarks Preservation Board

400 Yesler Building Seattle, Washington 98104 • (206) 625-4501

October 11, 1979

LPB-268/79

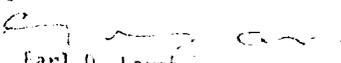
Dear Property Owner:

You will note from the attached agenda that the Landmarks Preservation Board will consider the nomination of your property for future consideration as a Seattle city landmark during their meeting of 17 October.

During the last two or three years members of the Queen Anne Historical Society and the Queen Anne Community Council pursued the possibility of nominating significant properties on the hill for landmark consideration. As a result of this effort, the Queen Anne Boulevard is currently under consideration for designation. Several months ago the Board voted staff complete and present nominations from those given to us by the Community for several properties contiguous to Queen Anne Boulevard for consideration at their 17 October meeting. It is our understanding the Historical Society representatives have talked to you and obtained your concurrence in the nomination of your property.

I have enclosed a copy of our Preservation Handbook which should help explain our program and procedures. In the meantime, if you have any questions please do not hesitate to call me or Roberta Deering at 625-4501.

Sincerely,


Earl D. Layman
City Historic Preservation Officer

EDL/db

Enclosure

Administered by The Office of Urban Conservation, The Seattle Department of Community Development

Administered by The Office of Urban Conservation, The Seattle Department of Community Development

CITY COUNCIL TRANSMITTAL

C. F. # None--letter from Deputy Hearing Examiner, dated 6/25

TO: Law Department

Date Sent: 6/26/

Reply Requested By: asap

FROM: Michael Hildt *Michael Hildt*

Subject: Recommendations on controls and incentives for designation of the Brace/Moriarty Residence, 170 Prospect St., approved by the Landmarks Preservation Board 3/5/80.

ACTION
— required

	Review and Return File With Your Answer to Sender
	Review and Answer Petitioner, Return File and Copy of Answer to Sender
	Review and Make Recommendations, Return File and Recommendations to Sender () In Duplicate
XXXX	Prepare Legislation and Return File to Sender in accordance with LPB recommendations

Additional Information: _____

Signature _____

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ORDINANCE _____

AN ORDINANCE relating to historic preservation, imposing controls upon the Brace/Moriarty Residence, a Landmark designated by the Landmarks Preservation Board under Ordinance 106348.

WHEREAS, the Landmarks Ordinance (106348) establishes a procedure for the designation and preservation of structures and areas having historical, cultural, architectural, engineering or geographic importance; and

WHEREAS, the Landmarks Preservation Board after a public hearing on October 17, 1979 voted to approve the nomination of the Brace/Moriarty Residence, 170 Prospect Street, Seattle as a Landmark under Ordinance 106348; and

WHEREAS, after public hearings on November 21, and December 5, 1979, the Board voted to approve the designation of the Brace/Moriarty Residence as a Landmark under Ordinance 106348; and

WHEREAS, the Board recommends to the City Council approval of the controls and incentives; Now, Therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That the designation by the Landmarks Preservation Board of the Brace/Moriarty Residence, more particularly described as Block 18, Lots 1 and 2 of Mercer's Addition to North Seattle, as a Landmark based upon satisfaction of the following criteria of Ordinance 106348:

Because of its prominence of spatial location, contrasts of siting, age, or scale, it is an easily identifiable visual feature of its neighborhood or the city and contributes to the distinctive quality or identity of such neighborhood or the city.
is hereby acknowledged.

Section 2. The following controls upon alteration of the landmark are hereby imposed:

A Certificate of Approval must be obtained or the time for denying a Certificate of Approval must have expired before the owner may make alterations or additions to that

The City of Seattle--Legislative Department

MR. PRESIDENT:

Date Reported
and Adopted

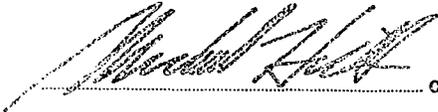
Your Committee on Urban Development and Housing

DEC 22 1980

to which was referred CB 101642,

Relating to historic preservation, imposing controls upon the Brace/Moriarty residence, a Landmark designated by the Landmarks Preservation Board under Ordinance 106348,

recommends that the same do pass.

 Chairman

..... Chairman

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Committee

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Committee