



## Legislation Details (With Text)

<b>File #:</b>	CB 118367	<b>Version:</b>	1	<b>Name:</b>	CB 118367
<b>Type:</b>	Ordinance (Ord)	<b>Status:</b>	Passed	<b>In control:</b>	City Clerk
<b>On agenda:</b>	5/18/2015				
<b>Final Action:</b>	5/22/2015	<b>Ord. No.</b>	Ord 124777		
<b>Title:</b>	AN ORDINANCE relating to historic preservation, imposing controls upon the McGilvra Elementary School, a landmark designated by the Landmarks Preservation Board under Chapter 25.12 of the Seattle Municipal Code, and adding it to the Table of Historical Landmarks contained in Chapter 25.32 of the Seattle Municipal Code.				
<b>Sponsors:</b>	Sally Bagshaw				
<b>Indexes:</b>					
<b>Attachments:</b>	1. Summary and Fiscal Note, 2. Summary Ex A: Map, 3. McGilvra Elementary School Landmark Designation Report, 4. McGilvra Elementary School Landmark Designation Photos, 5. Landmark Designation McGilvra Elementary and Montlake School, 6. Signed Ord 124777				

Date	Ver.	Action By	Action	Result
5/22/2015	1	City Clerk	attested by City Clerk	
5/22/2015	1	Mayor	Signed	
5/22/2015	1	Mayor	returned	
5/19/2015	1	City Clerk	submitted for Mayor's signature	
5/18/2015	1	City Council	passed	Pass
5/12/2015	1	Seattle Public Utilities and Neighborhoods Committee	pass	Pass
4/13/2015	1	City Council	referred	
4/2/2015	1	Council President's Office	sent for review	
3/31/2015	1	City Clerk	sent for review	
3/31/2015	1	Mayor	Mayor's leg transmitted to Council	

## CITY OF SEATTLE

## ORDINANCE \_\_\_\_\_

## COUNCIL BILL \_\_\_\_\_

AN ORDINANCE relating to historic preservation, imposing controls upon the McGilvra Elementary School, a landmark designated by the Landmarks Preservation Board under Chapter 25.12 of the Seattle Municipal Code, and adding it to the Table of Historical Landmarks contained in Chapter 25.32 of the Seattle Municipal Code.

WHEREAS, the Landmarks Preservation Ordinance, Chapter 25.12 of the Seattle Municipal Code (SMC),  
establishes a procedure for the designation and preservation of sites, improvements, and objects having

historical, cultural, architectural, engineering, or geographic significance; and

WHEREAS, the Landmarks Preservation Board (Board), after a public meeting on September 3, 2014, voted to approve the nomination of the 1913 and 1940 improvements (which collectively are referred to as the “School Building” for the purposes of this ordinance) located at 1617 38<sup>th</sup> Avenue East and the site on which the School Building is located (which collectively are referred to as the “McGilvra Elementary School” for the purposes of this ordinance) for designation as a landmark under SMC Chapter 25.12; and

WHEREAS, after a public meeting on October 15, 2014, the Board voted to approve the designation of the McGilvra Elementary School under SMC Chapter 25.12; and

WHEREAS, on December 17, 2014, the Board and the owner of the designated landmark agreed to controls and incentives; and

WHEREAS, the Board recommends that the City Council enact a designating ordinance approving the controls and incentives; NOW, THEREFORE,

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. DESIGNATION: Pursuant to Seattle Municipal Code (SMC) 25.12.660, the designation by the Landmarks Preservation Board (Board) of the 1913 and 1940 improvements (which collectively are referred to as the “School Building” for the purposes of this ordinance) located at 1617 38<sup>th</sup> Avenue East and the site on which the School Building is located (which collectively are referred to as the “McGilvra Elementary School” for the purposes of this ordinance) is hereby acknowledged.

A. Legal Description. The McGilvra Elementary School is located on the property legally described as:

Block 7 Replat of McGilvra’s 3<sup>rd</sup> Addition as recorded in Volume 6 of Plats, Page 34, Records of King County, Seattle, Washington. Together with vacated portion of 37<sup>th</sup> Avenue East, Vacation Ordinance No. 96541, also vacated portion of East Garfield Street and East Blaine Street, Vacation Ordinance No. 82272.

B. Specific Features or Characteristics Designated. Pursuant to SMC 25.12.660.A.2, the following

specific features or characteristics of the McGilvra Elementary School are designated:

1. The exterior of the School Building.
2. The following features or characteristics within the interior of the School Building: the corridors; the stairways; and the classrooms.
3. The site consisting of the property described in subsection 1.A on which the School Building is located.

C. Basis of Designation. The designation was made because the McGilvra Elementary School is more than 25 years old, has significant character, interest or value as a part of the development, heritage or cultural characteristics of the City, state or nation, has integrity or the ability to convey its significance, and satisfies the following from SMC 25.12.350:

1. It is associated in a significant way with a significant aspect of the cultural, political, or economic heritage of the community, City, state or nation (SMC 25.12.350.C).
2. It embodies the distinctive visible characteristics of an architectural style, or period, or of a method of construction (SMC 25.12.350.D).
3. 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 (SMC 25.12.350.F).

Section 2. CONTROLS: The following controls are hereby imposed on the features or characteristics of the McGilvra Elementary School that were designated by the Board for preservation:

A. Certificate of Approval Process.

1. Except as provided in subsection 2.A.2 or subsection 2.B, the owner must obtain a Certificate of Approval issued by the Board pursuant to SMC Chapter 25.12, or the time for denying a Certificate of Approval must have expired, before the owner may make alterations or significant changes to the following specific features or characteristics:

- a. The exterior of the School Building.
  - b. The following features or characteristics within the interior of the School Building: the corridors; the stairways; and the classrooms.
  - c. The site consisting of the property described in subsection 1.A on which the School Building is located.
2. No Certificate of Approval is required for the following:
- a. Any in-kind maintenance or repairs of the features listed in subsection 2.A.1.
  - b. Installation, removal, or alteration of the following landscape elements: trees less than 8 inches in diameter measured 4 ½ feet above ground; shrubs; perennials; and annuals.
  - c. Installation, removal, or alteration of the following temporary site furnishings: benches; movable planters; and trash receptacles.
  - d. Installation, removal, or alteration, (including repair) of underground irrigation and underground utilities, provided that the site is restored in-kind.
  - e. Installation, removal, or alteration of temporary interior window coverings.
  - f. Removal and replacement of playground equipment, sports equipment, play surfaces, and restriping of playcourts.
  - g. Installation, removal, or alterations of site signage, for accessibility compliance or as required by City code.
  - h. Removal of non-historic portable classroom buildings.
  - i. Removal of, or alterations to, the 1972 gymnasium, which is not a designated improvement and is listed here solely for purposes of clarity.
  - j. Alterations to the second-level library and computer room in the School Building.
  - k. Alterations to the first-level classroom in the 1913 portion of the School Building.
- B. City Historic Preservation Officer Approval Process.

1. The City Historic Preservation Officer (CHPO) may review and approve alterations or significant changes to the features or characteristics listed in subsection 2.B.3 according to the following procedure:
  - a. The owner shall submit to the CHPO a written request for the alterations or significant changes, including applicable drawings or specifications.
  - b. If the CHPO, upon examination of submitted plans and specifications, determines that the alterations or significant changes are consistent with the purposes of SMC Chapter 25.12, the CHPO shall approve the alterations or significant changes without further action by the Board.
  - c. If the CHPO does not approve the alterations or significant changes, the owner may submit revised materials to the CHPO, or apply to the Board for a Certificate of Approval under SMC Chapter 25.12.
2. The CHPO shall transmit a written decision on the owner's request to the owner within 14 days of receipt of the request. Failure of the CHPO to timely transmit a written decision constitutes approval of the request.
3. CHPO approval of alterations or significant changes to the features or characteristics listed in subsection 2.A.1 is available for the following:
  - a. The addition or elimination of ducts, conduits, HVAC vents, grilles, pipes, and other similar wiring or mechanical elements necessary for the normal operation of the building.
  - b. Removal of hazardous trees more than 8 inches in diameter measured 4 ½ feet above ground.
  - c. Installation, removal, or alterations of exterior light fixtures, exterior security lighting, and security system equipment.
  - d. Installation, removal, or alterations of non-illuminated exterior signage less than 6 square

feet in area.

- e. Installation, removal, or alterations to existing fences and gates.
- f. New painted murals.
- g. New building and site signage that is not otherwise excluded from the Certificate of Approval requirement pursuant to subsection 2.A.2.g.
- h. Alterations to corridors, stairways, and classrooms.

Section 3. INCENTIVES: The following incentives are hereby granted on the features or characteristics of the McGilvra Elementary School that were designated by the Board for preservation:

- A. Uses not otherwise permitted in a zone may be authorized in a designated landmark by means of an administrative conditional use permit issued pursuant to SMC Title 23.
- B. Exceptions to certain of the requirements of the Seattle Building Code, SMC Chapter 22.100, and the Seattle Energy Code, SMC Chapter 22.700, may be authorized pursuant to the applicable provisions thereof.
- C. Special tax valuation for historic preservation may be available under RCW Chapter 84.26 upon application and compliance with the requirements of that statute.
- D. Reduction or waiver, under certain conditions, of minimum accessory off-street parking requirements for uses permitted in a designated Landmark structure, may be permitted pursuant to SMC Title 23.

Section 4. Enforcement of this ordinance and penalties for its violation are as provided in SMC 25.12.910.

Section 5. The McGilvra Elementary School is hereby added alphabetically to Section IV, Schools, of the Table of Historical Landmarks contained in SMC Chapter 25.32.

Section 6. The City Clerk is directed to record a certified copy of this ordinance with the King County Director of Records and Elections, deliver two certified copies to the CHPO, and deliver one copy to the

Director of the Department of Planning and Development. The CHPO is directed to provide a certified copy of the ordinance to the owner of the landmark.

Section 7. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2015, and  
signed by me in open session in authentication of its passage this  
\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Edward B. Murray, Mayor

Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Monica Martinez Simmons, City Clerk

(Seal)