SEATTLE CITY COUNCIL

Legislative Summary

CB 118367

Record No.: CB 118367 **Type:** Ordinance (Ord) **Status:** Attested by City Clerk

Version: 1 124777 **In Control:** City Clerk

File Created: 03/10/2015

Final Action: 05/22/2015

Title: 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.

Notes:

Sponsors: Bagshaw

Attachments:

Drafter: erin.doherty@seattle.gov

	Date
Filed with City Clerk:	
Mayor's Signature:	
Vetoed by Mayor:	
Veto Overridden:	
Veto Sustained:	

Filing Requirements/Dept Action:

History of Legislative File **Legal Notice Published:** ☐ Yes ☐ No

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Mayor	03/31/2015	Mayor's leg transmitted to Council	City Clerk			
	Action Text: The Council Bill (CB) was Mayor's leg transmitted to Council. to the City Clerk						
	Notes:						
1	City Clerk	03/31/2015	sent for review	Council President's Office			
	Action Text: The Council Bill (CB) was sent for review. to the Council President's Office						
	Notes:						
1	Council President's Office	04/02/2015	sent for review	Seattle Public Utilities and Neighborhoods Committee			
	Action Text: The Council Bill (CB) was sent for review. to the Seattle Public Utilities and Neighborhoods Committee						
	Notes:						

1	Full Council	04/13/2015	referred	Seattle Public Utilities and Neighborhoods Committee	

Action Text: The Council Bill (CB) was referred. to the Seattle Public Utilities and Neighborhoods Committee
Notes:

1	Seattle Public Utilities and Neighborhoods Committee	05/12/2015	pass		Pass

Action Text: The Committee recommends that Full Council pass the Council Bill (CB).
In Favor: 3 Chair Bagshaw, Vice Chair Sawant, Member Harrell
Opposed: 0

1	Full Council	05/18/2015	passed		Pass

Action Text: The Council Bill (CB) was passed by the following vote and the President signed the Bill:
Notes:
In Favor: 9 Councilmember Bagshaw, Council President Burgess, Councilmember Godden, Councilmember Harrell, Councilmember Licata, Councilmember O'Brien, Councilmember Okamoto, Councilmember Rasmussen, Councilmember Sawant
Opposed: 0

1	City Clerk	05/19/2015	submitted for Mayor's signature	Mayor	

Action Text: The Council Bill (CB) was submitted for Mayor's signature. to the Mayor
Notes:

1	Mayor	05/22/2015	Signed		

Action Text: The Council Bill (CB) was Signed.
Notes:

1	Mayor	05/22/2015	returned	City Clerk	

Action Text: The Council Bill (CB) was returned. to the City Clerk
Notes:

1	City Clerk	05/22/2015	attested by City Clerk		

Action Text: The Ordinance (Ord) was attested by City Clerk.
Notes:

CITY OF SEATTLE

ORDINANCE 124777

COUNCIL BILL 118367

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 38th 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 38th 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 3rd Addition as recorded in Volume 6 of Plats, Page 34, Records of King County, Seattle, Washington. Together with vacated portion of 37th 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. <u>City Historic Preservation Officer Approval Process</u>.

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 18th day of MAY, 2015, and signed by me in open session in authentication of its passage this 18th day of MAY, 2015.

President _____ of the City Council

Approved by me this 22 day of May, 2015.

Edward B. Murray, Mayor

Filed by me this 22nd day of MAY, 2015.

Monica Martinez Simmons, City Clerk

(Seal)

STATE OF WASHINGTON -- KING COUNTY

--ss.

325501

No. 124777,778,779,780,782

CITY OF SEATTLE,CLERKS OFFICE

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:TITLE ONLY ORDINANCES

was published on

06/18/15

The amount of the fee charged for the foregoing publication is the sum of $101.53 which amount has been paid in full.

JENNIFER A. BORRERO
COMMISSION EXPIRES
10-24-15
STATE OF WASHINGTON

Subscribed and sworn to before me on

06/18/2015

Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication

State of Washington, King County

City of Seattle

Title Only Ordinances

The full text of the following legislation, passed by the City Council on May 18, 2015, and published below by title only, will be mailed upon request, or can be accessed at http://clerk.seattle.gov. For information on upcoming meetings of the Seattle City Council, please visit http://www.seattle.gov/council/calendar.

Contact: Office of the City Clerk at (206) 684-8344.

ORDINANCE NO. 124777

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.

ORDINANCE NO. 124778

AN ORDINANCE relating to historic preservation; imposing controls upon the Montlake 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.

ORDINANCE NO. 124779

AN ORDINANCE relating to Seattle Public Utilities; accepting a quit claim deed from King County for real property located in unincorporated King County in the Northwest Quarter of Section 07, Township 26 North, Range 05 East; placing the real property conveyed by said quit claim deed under the jurisdiction of Seattle Public Utilities; and ratifying and confirming certain prior acts.

ORDINANCE NO. 124780

AN ORDINANCE relating to the Seattle Public Utilities' Arbor Heights Fire Flow Improvements project; accepting an easement for water and sewer purposes over, under, through, across, along and upon property commonly known as 3707 SW 105th Street, King County Assessor Parcel number 022303-9302; and ratifying and confirming certain prior acts.

ORDINANCE NO. 124782

AN ORDINANCE relating to the 2015 Budget; amending Ordinance 124648, which adopted the 2015 Budget; changing appropriations to the Seattle Department of Transportation and to the Human Services Department; creating both exempt and non-exempt positions; authorizing the Director of Finance to enter into an interlocal agreement with the State Department of Licensing; and ratifying and confirming certain prior acts; all by at least a 3/4 vote of the City Council.

Date of publication in the Seattle Daily Journal of Commerce, June 18, 2015.

6/18(325501)