



SEATTLE CITY COUNCIL

Legislative Summary

CB 119651

Record No.: CB 119651

Type: Ordinance (Ord)

Status: Passed

Version: 1

Ord. no: Ord 125933

In Control: City Clerk

File Created: 09/05/2019

Final Action: 09/25/2019

Title: AN ORDINANCE relating to land use and zoning, amending Chapter 23.32 of the Seattle Municipal Code at pages 60 and 61 of the Official Land Use Map to rezone property located at 4730 15th Avenue NE from Lowrise 3 (M) (LR3 (M)) to Neighborhood Commercial 2-65 (M1) (NC2-65 (M1)), and accepting a Property Use and Development Agreement as a condition of rezone approval. (Petition by Matt Driscoll, C.F. 314359, SDCI Project 3025193-LU)

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Pacheco

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments: Ex A - Rezone Map, Ex B - Property Use and Development Agreement

Drafter: patrick.wigren@seattle.gov

Filing Requirements/Dept Action:

History of Legislative File

Legal Notice Published:

Yes

No

| Ver- sion: | Acting Body: | Date: | Action: | Sent To: | Due Date: | Return Date: | Result: |
|---------------|--|------------|-----------------|-------------------------------|-----------|-----------------|---------|
| 1 | City Clerk | 09/10/2019 | sent for review | Council President's Office | | | |
| | Action Text: The Council Bill (CB) was sent for review. to the Council President's Office | | | | | | |
| 1 | Council President's Office | 09/13/2019 | sent for review | City Council | | | |
| | Action Text: The Council Bill (CB) was sent for review. to the City Council | | | | | | |
| 1 | City Council | 09/16/2019 | referred | City Council | | | |
| 1 | City Council | 09/23/2019 | passed | | | | Pass |
| | Action Text: The Motion carried, the Council Bill (CB) was passed by the following vote, and the President signed the Bill: | | | | | | |
| | Notes: Motion was made and duly seconded to pass Council Bill 119651. | | | | | | |

Councilmember Bagshaw entered the Council Chamber at 5:34 p.m.

In Favor: 6 Councilmember Bagshaw, Councilmember González , Council
President Harrell, Councilmember Juarez, Councilmember O'Brien,
Councilmember Pacheco

Opposed: 0

Absent(NV): 3 Councilmember Herbold, Councilmember Mosqueda, Councilmember
Sawant

1 City Clerk 09/25/2019 attested by City Clerk

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

CITY OF SEATTLE

ORDINANCE 125933

COUNCIL BILL 119651

AN ORDINANCE relating to land use and zoning, amending Chapter 23.32 of the Seattle Municipal Code at pages 60 and 61 of the Official Land Use Map to rezone property located at 4730 15th Avenue NE from Lowrise 3 (M) (LR3 (M)) to Neighborhood Commercial 2-65 (M1) (NC2-65 (M1)), and accepting a Property Use and Development Agreement as a condition of rezone approval. (Petition by Matt Driscoll, C.F. 314359, SDCI Project 3025193-LU)

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. This ordinance rezones the following legally described property (“the Property”) commonly known as 4730 15th Avenue NE:

LOT 23, BLOCK 15 OF UNIVERSITY PARK ADDITION TO THE CITY OF SEATTLE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 13 OF PLATS, PAGE 85, IN KING COUNTY, WASHINGTON

Section 2. Pages 60 and 61 of the Official Land Use Map, Seattle Municipal Code Section 23.32.016, is amended to rezone the Property described in Section 1 of this ordinance, and shown in Exhibit A to this ordinance, from Lowrise 3 (M) (LR3 (M)) to Neighborhood Commercial 2-65 (M1) (NC2-65 (M1)). Approval of this rezone is conditioned upon complying with the Property Use and Development Agreement (PUDA) approved in Section 4 of this ordinance.

Section 3. The zoning designations established by Section 2 of this ordinance shall remain in effect until the Property is rezoned by subsequent Council action.

Section 4. The PUDA attached to this ordinance as Exhibit B is approved and accepted.

Section 5. The City Clerk is authorized and directed to file the PUDA with the King County Record and Elections Division; to file, upon return of the recorded PUDA from the King County Records and Elections Division, the original PUDA along with this ordinance at the City

1 Clerk's Office; and to deliver copies of the PUDA and this ordinance to the Director of the
2 Seattle Department of Construction and Inspections and to the King County Assessor's Office.

3 Section 6. This ordinance, effectuating a quasi-judicial decision of the City Council and
4 not subject to mayoral approval or disapproval, shall take effect and be in force 30 days from and
5 after its passage and approval by the City Council.

6 Passed by the City Council the 23rd day of September, 2019,
7 and signed by me in open session in authentication of its passage this 23rd day of
8 September, 2019.

9 

10 President _____ of the City Council

11 Filed by me this 23rd day of September, 2019.

12 

13 Monica Martinez Simmons, City Clerk

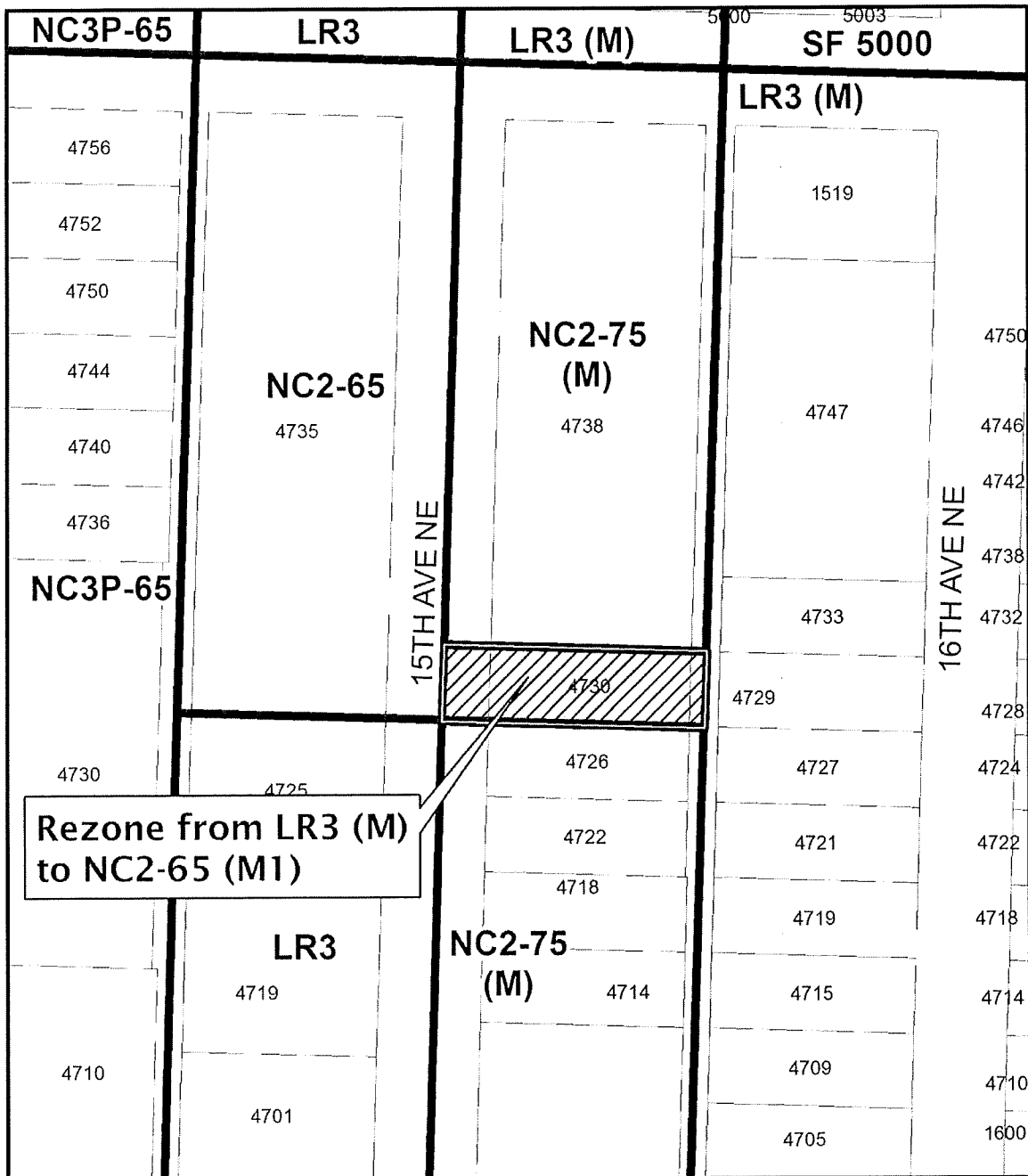
14 (Seal)

15 Exhibits:

16 Exhibit A – Rezone Map

17 Exhibit B – Property Use and Development Agreement

Exhibit A – Rezone Map



**Rezone from LR3 (M)
to NC2-65 (M1)**

Proposed Rezone
Clerk File 314359
DPD Project No. 3025193
4730 15th Ave NE

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Rezoned Area



Property Use and Development Agreement

| | |
|---|--|
| <i>When Recorded, Return to:</i> | |
| THE CITY CLERK 600 Fourth Avenue, Floor 3 PO Box 94728 Seattle, Washington 98124-4728 | |

PROPERTY USE AND DEVELOPMENT AGREEMENT

| | | | | |
|--|------------------------------|-----------------------------|--|--|
| Grantor(s): | (1) | Yuan's H&H Property, LLC | | |
| Grantee: | (1) | The City of Seattle | | |
| Legal Description <i>(abbreviated if necessary):</i> | see <i>Recital A</i> , below | | | |
| Assessor's Tax Parcel ID #: | 8823902170 | | | |
| Reference Nos. of Documents Released or Assigned: | n/a | | | |

THIS PROPERTY USE AND DEVELOPMENT AGREEMENT (the "Agreement") is executed this 3rd day of September, 2019, in favor of the CITY OF SEATTLE (the "City"), a Washington municipal corporation, by Yuan's H&H Property, LLC, a Washington limited liability company (the "Owner").

RECITALS

A. Yuan's H&H Property, LLC is the owner of that certain real property (the "Property") in the City of Seattle currently zoned Lowrise 3 (M) ("LR3 (M)"), shown in Attachment A and legally described as:

LOT 23, BLOCK 15 OF UNIVERSITY PARK ADDITION TO THE CITY OF SEATTLE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 13 OF PLATS, PAGE 85, IN KING COUNTY, WASHINGTON

B. In March 2017, the Owner submitted to the City an application under Project No. 3025193 for a rezone of the Property from Lowrise 3 to Neighborhood Commercial 2 65 (NC2-65).

C. Seattle Municipal Code Section 23.34.004 allows the City to approve a rezone subject to "self-imposed restrictions" upon the development of the property.

NOW, THEREFORE, in consideration of the mutual agreements contained herein, the parties agree as follows:

AGREEMENT

Section 1. Agreement. Pursuant to Seattle Municipal Code Section ("SMC") 23.34.004, the Owner covenants, bargains, and agrees, on behalf of itself and its successors and assigns that it will comply with the following conditions in consideration of the Rezone:

- (a) Future development of the Property is restricted to a project that complies with Master Use Permit (MUP) #3025193, once the Seattle Department of Construction and Inspections (SDCI) issues that MUP.
- (b) The provisions of Seattle Municipal Code Chapter 23.58B, the Affordable Housing Impact Mitigation Program for Commercial Development and the provisions of Seattle Municipal Code Chapter 23.58C, Mandatory Housing Affordability for Residential Development, shall apply to the Property.

Section 2. Agreement Runs With the Land. This Agreement shall be recorded in the records of King County by the City Clerk. The covenants contained in this Agreement shall attach to and run with the land and be binding upon the Owner, its heirs, successors and assigns, and shall apply to after-acquired title of the Owner.

Section 3. Amendment. This Agreement may be amended or modified by agreement between the Owner and the City; provided any amendments are approved by the City Council by ordinance.

Section 4. Exercise of Police Power. Nothing in this Agreement shall prevent the City Council from making further amendments to the Seattle Municipal Code or Land Use Code as it may deem necessary in the public interest.

Section 5. No Precedent. The conditions contained in this Agreement are based on the unique circumstances applicable to the Property and this Agreement is not intended to establish precedent for other rezones in the surrounding area.

Section 6. Repeal as Additional Remedy. Owner acknowledges that compliance with the conditions of this Agreement is a condition of the subject rezone and that if Owner avails itself of the benefits of this rezone but then fails to comply with the conditions of this Agreement with the City, in addition to pursuing any other remedy, the City may:

- a. Revoke the rezone by ordinance and require the use of the Property to conform to the requirements of the previous zoning designation or some other zoning designation imposed by the City Council; and
- b. Pursue specific performance of this Agreement.

[signature and acknowledgment on following page]

SIGNED this 3rd day of September, 2019.

Yuan's H&H Property, LLC

a Washington limited liability company

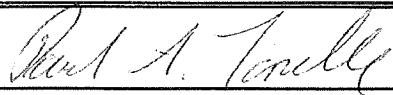
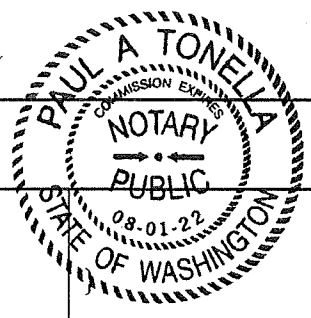
By: 

Name: Vincent Fei

Title: Authorized Representative

On this day personally appeared before me Vincent Fei, to me known to be the Authorized Representative of Yuan's H&H Property, LLC, a Washington limited liability company that executed the foregoing instrument, and acknowledged such instrument to be the free and voluntary act and deed of such limited liability company, for the uses and purposes therein mentioned, and on oath stated that he was duly authorized to execute such instrument.

GIVEN UNDER MY HAND AND OFFICIAL SEAL this 3rd day of September, 2019.

| | |
|---|--|
|  | Printed Name <u>PAUL A. TONELLA</u> |
|  | NOTARY PUBLIC in and for the State of Washington, residing at <u>Bellevue</u> |
| | My Commission Expires <u>8-1-22</u> |
| STATE OF WASHINGTON COUNTY OF KING | ss. |

ATTACHMENT A
 REZONE MAP

