

**CITY OF SEATTLE**  
**ORDINANCE** 126275  
COUNCIL BILL CB 119987

AN ORDINANCE approving the extension of a contract rezone approved by Ordinance 125433 and accepting an amended Property Use and Development Agreement for a property located at 1106 34<sup>th</sup> Avenue. (Petition by Martin Leibowitz, C.F. 314461, SDCI Project 3036784-LU)

WHEREAS, the City Council passed Ordinance 125433 on October 9, 2017, approving a contract rezone for a property located at 1106 34<sup>th</sup> Avenue (Property) and accepting a Property Use and Development Agreement (PUDA); and

WHEREAS, the PUDA imposed conditions and covenants on future development of the Property; and

WHEREAS, the City passed Ordinance 125791 on March 18, 2018, which upzoned commercial and multifamily zoned sites adjacent to the Property to implement the Mandatory Housing Affordability program; and

WHEREAS, Martin Leibowitz now seeks to extend the expiration date for the PUDA and contract rezone, by two additional years, in order to complete the development of the Property; and

WHEREAS, pursuant to Seattle Municipal Code (SMC) subsection 23.76.060.E, the City Council may extend the time limit on a Type IV land use decision by up to two years; and

WHEREAS, the Seattle Department of Construction and Inspections (SDCI) recommended that the Council approve the extension request on October 29, 2020; and

WHEREAS, the SDCI recommendation is filed in Clerk File 314461; and

1 WHEREAS; the City Council, pursuant to SMC subsection 23.76.060.E.2, finds the extension  
2 request to be reasonable, warranted by changed circumstances from passage of Ordinance  
3 125791, and in the public interest; NOW, THEREFORE,

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

5 Section 1. The zoning designation established by Ordinance 125433 is extended for two  
6 years from the effective date of this ordinance.

7 Section 2. The Council accepts the Amended Property Use and Development Agreement  
8 (PUDA) attached to this ordinance as Exhibit A.

9 Section 3. The City Clerk is authorized and directed to file this amended PUDA in the  
10 King County Recorder's Office; to file, upon return of the amended PUDA from the King  
11 County Recorder's Office, the original amended PUDA at the City Clerk's Office; and to deliver  
12 copies of the same to the Director of the Seattle Department of Construction and Inspections and  
13 to the King County Assessor's Office.



FILED  
CITY OF SEATTLE  
21 JAN 28 PM 12:54  
CITY CLERK

**Amendment to Property Use and Development Agreement**

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

**AMENDED PROPERTY USE AND DEVELOPMENT AGREEMENT**

<b>Grantor(s):</b>	(1)	34TH & SPRING LLC	(2)	CHANUKAH PROPERTY LLC
<input type="checkbox"/> Additional grantors on page _____				
<b>Grantee:</b>	(1)	The City of Seattle		
<input type="checkbox"/> Additional on page _____				
<b>Legal Description</b> <i>(abbreviated if necessary):</i>	THE SOUTH 25 FEET OF LOT 2 AND LOT 3, BLOCK 2, MARION HIGHLANDS ADDITION TO THE CITY OF SEATTLE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 15 OF PLATS, PAGE 61, RECORDS OF KING COUNTY, WASHINGTON			
<input type="checkbox"/> Additional legal description on page _____:				
<b>Assessor's Tax Parcel ID #:</b>	5157700040 (part) and 5157700055			
<b>Reference Nos. of Documents Released or Assigned:</b>				

THIS AMENDMENT (the "Amendment") to the PROPERTY USE AND DEVELOPMENT AGREEMENT recorded under King County Recording Number 20171116000748 (the "PUDA") is executed this 27 day of Jan, 2021, in favor of the CITY OF SEATTLE (the "City"), a Washington municipal corporation, by 34TH AND SPRING LLC, a Washington limited liability company and CHANUKAH PROPERTY LLC, a Washington limited liability company (the "Owners").

All terms not defined herein shall have the same meaning as in the PUDA.

1. A new Section 9 is added to the PUDA to read as follows:  
  

Section 9. Notwithstanding the expiration provision in Section 3, this Agreement is extended for an additional period of two years from the effective date of the ordinance accepting this Amendment and extending the rezone.
2. No Other Changes. Except as set forth herein, the PUDA shall remain in full force and effect.

*[Signature and Acknowledgement Pages Follow]*

SIGNED this 27 day of January, 2021.

OWNERS:

34TH AND SPRING LLC,  
a Washington limited liability company

By: [Signature]  
Name: M. L. Leibowitz  
Its: Manager

CHANUKAH PROPERTY LLC,  
a Washington limited liability company

By: [Signature]  
Name: M. L. Leibowitz  
Its: Manager

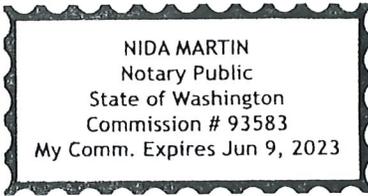
STATE OF WASHINGTON

} ss.

COUNTY OF KING

I certify that I know or have satisfactory evidence that Martin Liebowitz is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument, on oath stated that (he/she) was authorized to execute the instrument and acknowledged it as the Manager of 34TH AND SPRING LLC, a Washington limited liability company, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated this 27<sup>th</sup> day of January, 2021.



Nida Martin  
Nida Martin

Printed Name  
Notary Public in and for the State of Washington,  
residing at Penton  
My Commission Expires 6/9/23

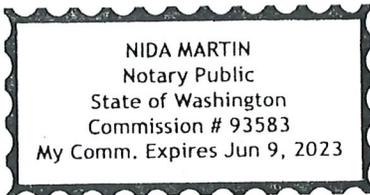
STATE OF WASHINGTON

} ss.

COUNTY OF KING

I certify that I know or have satisfactory evidence that Martin Liebowitz is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument, on oath stated that (he/she) was authorized to execute the instrument and acknowledged it as the Manager of CHANUKAH PROPERTY LLC, a Washington limited liability company, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated this 27<sup>th</sup> day of January, 2021.



Nida Martin  
Nida Martin

Printed Name  
Notary Public in and for the State of Washington,  
residing at Penton  
My Commission Expires 6/9/23