



# SEATTLE CITY COUNCIL

## Legislative Summary

CB 118637

Record No.: CB 118637

Type: Ordinance (Ord)

Status: Passed

Version: 1

125007

In Control: Full Council

File Created: 02/29/2016

Final Action: 03/14/2016

**Title:** AN ORDINANCE approving an amendment of the Property Use and Development Agreement approved by Ordinance 123923 for property located at 3902 S. Ferdinand Street.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Johnson

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments: Ex A - Amended PUDA

Drafter: patrick.wigren@seattle.gov

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	City Clerk	03/01/2016	sent for review	Council President's Office			
	<b>Action Text:</b> The Council Bill (CB) was sent for review. to the Council President's Office						
	<b>Notes:</b>						
1	Council President's Office	03/03/2016	sent for review	Full Council			
	<b>Action Text:</b> The Council Bill (CB) was sent for review. to the Full Council						
	<b>Notes:</b>						
1	Full Council	03/07/2016	referred	Full Council			
	<b>Action Text:</b> The Council Bill (CB) was referred. to the Full Council						
	<b>Notes:</b>						
1	Full Council	03/14/2016	passed				Pass
	<b>Action Text:</b> The Motion carried, the Bill passed by the following vote, and the President signed the Bill:						
	<b>Notes:</b> Motion was made and duly seconded to pass Council Bill 118637.						
	In Favor: 9 Councilmember Bagshaw, Councilmember Burgess, Councilmember González , Council President Harrell, Councilmember Herbold, Councilmember Johnson, Councilmember Juarez, Councilmember O'Brien, Councilmember Sawant						

Opposed: 0

1 City Clerk 03/14/2016 attested by City  
Clerk

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

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**CITY OF SEATTLE**  
**ORDINANCE** 125007  
**COUNCIL BILL** 118637

AN ORDINANCE approving an amendment of the Property Use and Development Agreement approved by Ordinance 123923 for property located at 3902 S. Ferdinand Street.

WHEREAS, on July 23, 2012, the City Council passed Ordinance 123923, approving a contract rezone for LR COLUMBUS LLC for property located at and addressed as 3902 S. Ferdinand Street, including acceptance of a Property Use and Development Agreement (“PUDA”); and

WHEREAS, the PUDA imposes conditions that restrict the development at those sites; and

WHEREAS, the ownership of the property has changed since the approval of the PUDA; and

WHEREAS, the conditions of the PUDA run with the property and the current owner (“Owner”) is requesting an amendment to the PUDA to allow for redevelopment of the property differently than called for in the conditions of the PUDA; and

WHEREAS, Seattle Municipal Code subsection 23.76.058.C authorizes the Council to amend PUDAs; and

WHEREAS, the Council finds that amendment of the PUDA is in the public interest on the basis of the analysis provided by the Department of Planning and Development to the Council filed in Clerk File 314316; NOW, THEREFORE,

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

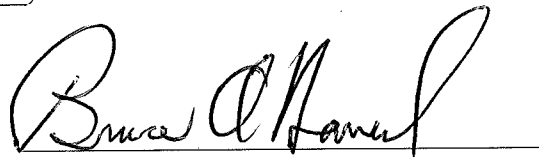
1 Section 1. The amendment to the Property Use and Development Agreement ("PUDA")  
2 approved by Ordinance 123923, attached as Exhibit A to this ordinance, is approved.

3 Section 2. The City Clerk is hereby authorized and directed to take the following actions:  
4 (1) file the amended PUDA, attached to this ordinance as Exhibit A, at the King County Records  
5 and Elections Division; (2) upon return of the recorded amended PUDA from the King County  
6 Records and Elections Division, file the original amended PUDA with this ordinance at the City  
7 Clerk's Office; and (3) deliver copies of the amended PUDA and ordinance to the Director of the  
8 Department of Construction and Inspections and to the King County Assessor's Office.  
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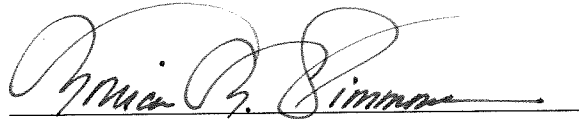
1 Section 3. This ordinance: effectuates a quasi-judicial decision of the City Council; is not  
2 subject to mayoral approval or disapproval; and shall take effect and be in force 30 days after its  
3 approval by the City Council.

4 Passed by the City Council the 14<sup>th</sup> day of MARCH, 2016, and  
5 signed by me in open session in authentication of its passage this  
6 14<sup>th</sup> day of MARCH, 2016.

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

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12 Filed by me this 14<sup>th</sup> day of March, 2016.

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16 Monica Martinez Simmons, City Clerk

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20 (Seal)

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23 Exhibits:

24 Exhibit A – Amended PUDA  
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Exhibit A – Amended PUDA –C.F. 314316  
3902 S. Ferdinand

*When Recorded, Return to:*

Office of the City Clerk  
600 4th Avenue, Floor 3  
PO Box 94728  
Seattle, Washington 98124-4728



**20160316000908**

SEATTLE CITY C AG  
PAGE-001 OF 004  
03/16/2016 13:59  
KING COUNTY, WA

76.00

### AMENDED PROPERTY USE AND DEVELOPMENT AGREEMENT

<b>Grantor:</b>	Northwest Investment LLC
<input type="checkbox"/> Additional on page	
<b>Grantee:</b>	City of Seattle
<input type="checkbox"/> Additional on page	
<b>Legal Description :</b>	Lot 230, 231, and 232, except the east 15.50 feet of said Lot 232, all in Block 10, Columbia Addition, according to the Plat thereof recorded in Volume 7 of Plats, Page 97, in King County, Washington.
<input type="checkbox"/> Additional on page	
<b>Assessor's Tax Parcel ID #s:</b>	170290-1220
<b>Reference Nos. of Documents Released or Assigned:</b>	KC Rec. No. 20120823000167

THIS AMENDED PROPERTY USE AND DEVELOPMENT AGREEMENT (the "Agreement") is executed this 20<sup>th</sup> day of March, 2016, in favor of the City of Seattle, a Washington municipal corporation (herein referred to as the "City"), by the Grantor listed above (herein referred to as the "Owner") of property legally described herein (herein referred to as the "Property").

#### RECITALS

**A.** The Owner owns that certain real Property in the City of Seattle, as successor in interest to LR Columbus, LLC. The legal description of the Property is Lot 230, 231, and 232, except the east 15.50 feet of said Lot 232, all in Block 10, Columbia

Section 3 of the PUDA accepted by Ordinance 123923 is amended as follows:

3. Termination. The covenants herein shall expire at such time as the Rezone expires or is revoked pursuant to SMC 23.34.004. If a Master Use Permit is issued pursuant to the final approved Master Use Permit decision with related plans, application accepted May 20, 2015 (MUP #3020678) dated July 6, 2011 (MUP #3011960), the covenants herein shall remain in effect until the Council changes the zoning designation for the Property, or amends development standards that apply to the LR3-RC zone, and a certificate of occupancy is issued for a new development of the Property that conforms to the zone designation and development standards that then apply to the Property and replaces the development described in Section 1.

**Section 2. Agreement Runs With the Land.** This Agreement shall be recorded in the records of King County by the City Clerk. The covenants hereof shall be deemed to attach to and run with the title to the Property and shall be binding upon the Owner, his heirs, successors, and assigns, and shall apply to the after-acquired title of the owner of the Property.

**Section 3. Amendment, Exercise of Police Power, No Precedent.** This Agreement may be amended or modified by agreement between the Owner and the City provided such amendment shall be approved by the legislative authority of the City by ordinance. Nothing in this Agreement shall prevent the City Council from making such further amendments to the Land Use Code or exercising the City's police power, as it may deem necessary in the public interest. The Owner agrees that nothing in this Agreement is intended to authorize any use or dimension not otherwise permitted in the Lowrise 3, Residential-Commercial, LR3-RC, zone. The conditions contained in this Agreement are based on the unique circumstances applicable to this Property, and this Agreement is not intended to establish precedent for other rezones in the surrounding area.

**Section 4. Benefited.** This Agreement is made for the benefit of the City and for the benefit of the owners of the property within 300 feet of the Property and either the City or any such property owners may institute and prosecute any proceeding at law or in equity to enforce this Agreement.

**Section 5. Repeal as Additional Remedy.** The Owner acknowledges that compliance with the conditions of this Agreement is a condition of the subject rezone and that if the Owner avails himself 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 revoke the rezone by ordinance and require the use of the Property conform to the requirements of the previously existing zone.

Addition, according to the Plat thereof recorded in Volume 7 of Plats, Page 97, in King County, Washington;

**B.** On July 23, 2012, the Seattle City Council passed Ordinance 123923, which rezoned the Property and accepted a Property Use and Development Agreement (PUDA) in connection with the rezone, the PUDA being recorded under King County Recording No. 20120823000167;

**C.** On November 3, 2015, Seattle Lot Boundary Adjustment No. 3019983, affecting the boundaries and legal description of the Property, was recorded with King County, Washington, Records and Elections Division under Instrument Number 20151103900001;

**D.** On May 20, 2015, the City of Seattle accepted the Owner's application to amend the PUDA to allow for redevelopment of the property as more fully set forth in City of Seattle Master Use Permit (MUP) #3020678, as opposed to the conditions of the PUDA. The proposed amendment does not change the zoning of the property established by the contract rezone in July 2012;

**E.** SMC Section 23.76.058.C provides that “[p]roperty use and development agreements recorded as a condition of a contract rezone may be amended by agreement between the Owner and the City, if the amendment is approved by the Council;” and

**F.** Those terms of the PUDA accepted by Ordinance 123923 that are not amended by this Agreement are still valid.

## AGREEMENT

**Section 1. Amended Conditions.** Section 1 of the PUDA accepted by Ordinance 123923 is stricken and replaced with the following amended language:

1. Agreement. Pursuant to SMC 23.34.004, the Owner hereby covenants, bargains and agrees, on behalf of itself and its successors and assigns, that it will comply with the following limitation and condition in consideration of the Rezone:

Future development of the Property is restricted to modification and reuse of an existing structure in substantial conformance with the final approved Master Use Permit decision with related plans, application accepted May 20, 2015 (MUP #3020678), authorizing apartment residences with commercial spaces in conformance with LR3-RC development standards, dated July 6, 2011 (MUP #3011960), authorizing a change of use of a structure with 8 dwelling units to a structure with 5 dwelling units above 3 commercial spaces. The commercial spaces will be available for retail/commercial or live/work uses. Two of the entries Entries to the commercial spaces are along 39th Avenue South, with a third entry from and South Ferdinand Street.



Exhibit A – Amended PUDA –C.F. 314316

3902 S. Ferdinand

SIGNED this 2<sup>nd</sup> day of MARCH, 2016.

Owner:

**Northwest Investment LLC, a Washington limited liability corporation**

By: Sachin Kukreja  
Sachin Kukreja  
Its: Manager

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF King )

On this 2<sup>nd</sup> day of March, 2016, before me personally appeared Sachin Kukreja, to me known to be the Manager of Northwest Investment LLC, the Washington limited liability corporation that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said partnership, for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute said instrument on behalf of said partnership.

GIVEN under my hand and official seal this 2<sup>nd</sup> day of March, 2016.

Signature: [Signature]  
Name (Print): Abdihakim A Ali  
NOTARY PUBLIC in and for the State  
of Washington, residing at Seattle  
My appointment expires: 12-08-18

