



SEATTLE CITY COUNCIL

Legislative Summary

CB 118750

Record No.: CB 118750

Type: Ordinance (Ord)

Status: Passed

Version: 1

Ord. no: Ord 125102

In Control: City Clerk

File Created: 07/22/2016

Final Action: 08/08/2016

Title: AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 90 of the Official Land Use Map to rezone property located at 1511 Dexter Avenue North from Neighborhood Commercial 3-40 (NC3-40) to Neighborhood Commercial 3-65 (NC3-65), and accepting a Property Use and Development Agreement as a condition of rezone approval. (Petition by Bellwether Housing, C.F. 314315, SDCI Project 3015682)

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Johnson

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments: 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	Council President's Office	07/27/2016	sent for review	Planning, Land Use, and Zoning Committee			
	Action Text: The Council Bill (CB) was sent for review. to the Planning, Land Use, and Zoning Committee						
	Notes:						
1	Full Council	08/01/2016	referred	Planning, Land Use, and Zoning Committee			
1	Planning, Land Use, and Zoning Committee	08/02/2016	pass				Pass
	Action Text: The Committee recommends that Full Council pass the Council Bill (CB). In Favor: 3 Chair Johnson, Vice Chair O'Brien, Member Herbold Opposed: 0						

1 Full Council 08/08/2016 passed as amended Pass

Action Text: The Motion carried, the Council Bill (CB) was passed as amended by the following vote, and the President signed the Bill:

Notes: ACTION 1:

Motion was made by Councilmember Johnson, duly seconded and carried, to amend Council Bill 118750, Exhibit B, by substituting an executed Property Use and Development Agreement for the non-executed Property Use and Development Agreement.

ACTION 2:

Motion was made and duly seconded to pass Council Bill 118750 as amended.

In Favor: 8 Councilmember Bagshaw, Councilmember Burgess, Councilmember González , Council President Harrell, Councilmember Herbold, Councilmember Johnson, Councilmember Juarez, Councilmember O'Brien

Opposed: 0

1 City Clerk 08/08/2016 attested by City Clerk

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

Notes:

CITY OF SEATTLE

ORDINANCE 125102

COUNCIL BILL 118750

AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 90 of the Official Land Use Map to rezone property located at 1511 Dexter Avenue North from Neighborhood Commercial 3-40 (NC3-40) to Neighborhood Commercial 3-65 (NC3-65), and accepting a Property Use and Development Agreement as a condition of rezone approval. (Petition by Bellwether Housing, C.F. 314315, SDCI Project 3015682)

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. This ordinance rezones the following legally described lots (“the Property”) commonly known as 1511 Dexter Avenue North:

Addressed as 650 Galer Street:

The westerly 38 feet of Lots 1 and 2, Block 2, Union Lake Addition Supplemental to the City of Seattle, according to the plat thereof recorded in Volume 2 of Plats, page 177, records of King County Washington

Addressed as 1511 Dexter Avenue North:

Parcel A

Lots 1 and 2, Block 2, Union Lake Addition Supplemental to the City of Seattle, according to the plat thereof recorded in Volume 2 of Plats, page 177, records of King County Washington;

Except the west 38 feet thereof;

Except that portion thereof condemned in King County Superior Court Case Number 61981 for the widening of Dexter Avenue, as provided by the City Seattle Ordinance Number 17628 of the City of Seattle.

Parcel B

Lot 3, Block 2, Union Lake Addition Supplemental to the City of Seattle, according to the plat thereof recorded in Volume 2 of Plats, page 177, records of King County Washington;

Except that portion thereof condemned in King County Superior Court Case Number 61981 for the widening of Dexter Avenue, as provided by the City of Seattle Ordinance Number 17628 of the City of Seattle.

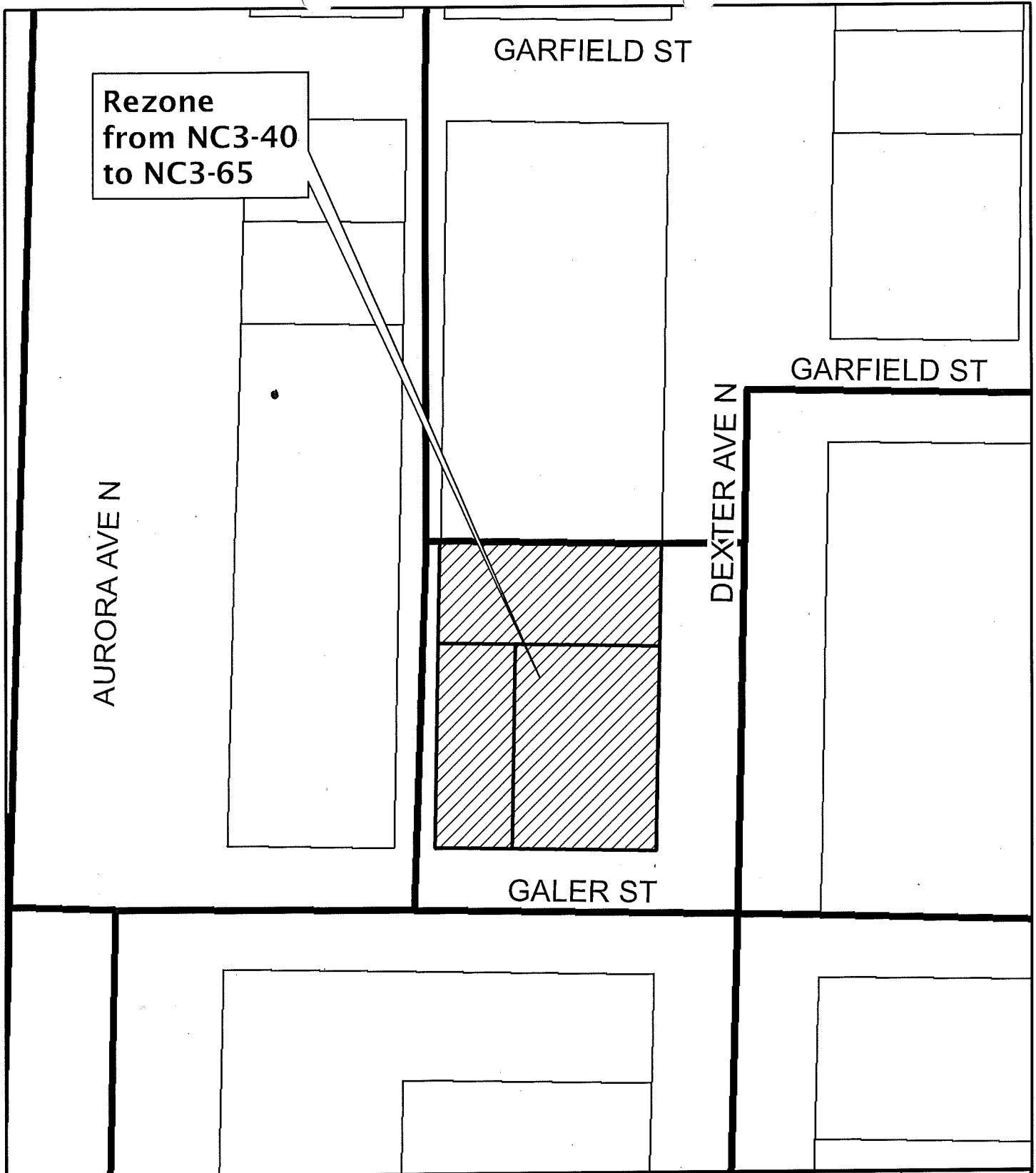
1 Section 2. Page 90 of the Official Land Use Map, Seattle Municipal Code Section
2 23.32.016, is amended to rezone the Property described in Section 1 of this ordinance, and
3 shown in Exhibit A to this ordinance, from Neighborhood Commercial 3 with a 40-foot height
4 limit (NC3-40) to Neighborhood Commercial 3 with a 65-foot height limit (NC3-65). Approval
5 of this rezone is conditioned upon complying with the Property Use and Development
6 Agreement (PUDA) approved in Section 4 of this ordinance.

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

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

10 Section 5. The City Clerk is authorized and directed to file the PUDA with the King
11 County Records and Elections Division; to file, upon return of the recorded PUDA from the King
12 County Records and Elections Division, the original PUDA along with this ordinance at the City
13 Clerk's Office; and to deliver copies of the PUDA and this ordinance to the Director of the
14 Seattle Department of Construction and Inspections and to the King County Assessor's Office.

Exhibit A: Rezone Map



Proposed Rezone
Clerk File 314315
SDCI Application No. 3015682
1511 Dexter Avenue North



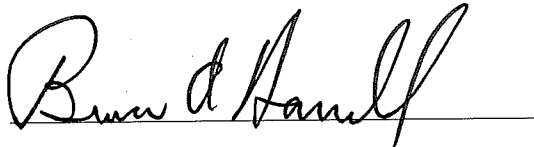
Rezone area

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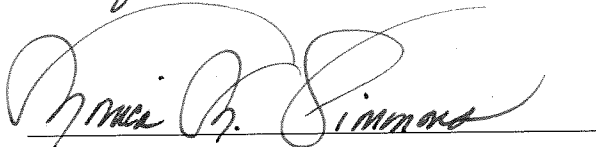
1 Section 6. This ordinance, effectuating a quasi-judicial decision of the City Council and
2 not subject to mayoral approval or disapproval, shall take effect and be in force 30 days from and
3 after its passage and approval by the City Council.

4 Passed by the City Council the 8th day of AUGUST, 2016,
5 and signed by me in open session in authentication of its passage this 8th day of
6 AUGUST, 2016.

7 

8
9 President _____ of the City Council

10
11 Filed by me this 8th day of August, 2016.

12 

13
14 Monica Martinez Simmons, City Clerk

15
16 (Seal) 

17
18 Exhibits:
19 Exhibit A – Rezone Map
20 Exhibit B – Property Use and Development Agreement

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)	1511 Dexter Limited Partnership		
Grantee:	(1)	The City of Seattle		
Legal Description <i>(abbreviated if necessary):</i>		see <i>Recital A</i> , below		
Assessor's Tax Parcel ID #:		8807900050, 8807900051, and 8807900055		
Reference Nos. of Documents Released or Assigned:		n/a		

THIS PROPERTY USE AND DEVELOPMENT AGREEMENT (the "Agreement") is executed this 25th day of July, 2016, in favor of the CITY OF SEATTLE (the "City"), a Washington municipal corporation, by 1511 Dexter Limited Partnership, a Washington limited partnership (the "Owner").

RECITALS

A. 1511 Dexter Limited Partnership is the owner of that certain real property (the "Rezone Site") in the City of Seattle currently zoned Neighborhood Commercial 3 with a 40 foot height limit (NC3-40), shown in Attachment A and described as:

Addressed as 650 Galer Street:

The westerly 38 feet of Lots 1 and 2, Block 2, Union Lake Addition Supplemental to the City of Seattle, according to the plat thereof recorded in Volume 2 of Plats, page 177, records of King County Washington

Addressed as 1511 Dexter Avenue North:

Parcel A

Lots 1 and 2, Block 2, Union Lake Addition Supplemental to the City of Seattle, according to the plat thereof recorded in Volume 2 of Plats, page 177, records of King County Washington;

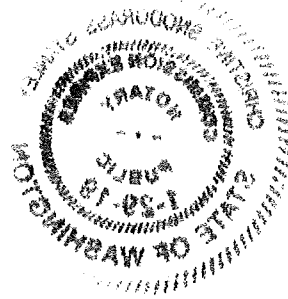
Except the west 38 feet thereof;

Section 5. No Precedent. The conditions contained in this Agreement are based on the unique circumstances applicable to the Rezone Site 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 Rezone Site to conform to the requirements of the previous NC3-40 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]



ATTACHMENT A
REZONE MAP

