



SEATTLE CITY COUNCIL

Legislative Summary

CB 119028

Record No.: CB 119028

Type: Ordinance (Ord)

Status: Passed

Version: 1

Ord. no: Ord 125357

In Control: Full Council

File Created: 07/05/2017

Final Action: 07/24/2017

Title: AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 113 of the Official Land Use Map to rezone property located at 2320 E Union Street from Neighborhood Commercial 2 with a Pedestrian Overlay and 40-foot height limit (NC2P-40) and Neighborhood Commercial 2 with a 40-foot height limit (NC2-40) to Neighborhood Commercial 2 with a Pedestrian Overlay and a 65-foot height limit (NC2P-65), and accepting a Property Use and Development Agreement as a condition of rezone approval. (Petition by Capitol Hill Housing, C.F. 314349, SDCI Project 3018178)

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Johnson

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments: Exhibit A - Rezone Map, Exhibit B - Executed Property Use and Development Agreement (added; 7/24/17)

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	07/05/2017	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	07/12/2017	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 07/17/2017 referred Planning, Land Use, and Zoning Committee
- 1 Planning, Land Use, and Zoning Committee 07/18/2017 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 07/24/2017 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 119028, 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 119028 as amended.

In Favor: 7 Councilmember Bagshaw, Councilmember Burgess, Councilmember González , Council President Harrell, Councilmember Herbold, Councilmember Johnson, Councilmember Sawant
Opposed: 0
- 1 City Clerk 07/24/2017 attested by City Clerk
Action Text: The Ordinance (Ord) was attested by City Clerk.
Notes:
-

CITY OF SEATTLE

ORDINANCE 125357

COUNCIL BILL 119028

AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 113 of the Official Land Use Map to rezone property located at 2320 E Union Street from Neighborhood Commercial 2 with a Pedestrian Overlay and 40-foot height limit (NC2P-40) and Neighborhood Commercial 2 with a 40-foot height limit (NC2-40) to Neighborhood Commercial 2 with a Pedestrian Overlay and a 65-foot height limit (NC2P-65), and accepting a Property Use and Development Agreement as a condition of rezone approval. (Petition by Capitol Hill Housing, C.F. 314349, SDCI Project 3018178)

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. This ordinance rezones the following legally described lots (“the Rezone Area”) commonly known as 2320 E Union Street:

Parcel A

Lots 7 and 8, Block 1, J. H. Rengstorff’s Addition to the City of Seattle, according to the plat thereof recorded in Volume 2 of Plats, Page 101, in King County, Washington. Together with unplatted strip adjoining said lots on the west.
and

Parcel B

Lots 9, 10, 11, and 12 Block 1, J. H. Rengstorff’s Addition to the City of Seattle, according to the plat thereof recorded in Volume 2 of Plats, Page 101, in King County, Washington.

Section 2. Page 113 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 Neighborhood Commercial 2 with a Pedestrian Overlay and 40-foot height limit (NC2P-40) and Neighborhood Commercial 2 with a 40-foot height limit (NC2-40) to Neighborhood Commercial 2 with a Pedestrian Overlay and a 65-foot


1 height limit (NC2P-65). Approval of this rezone is conditioned upon complying with the
2 Property Use and Development Agreement (PUDA) approved in Section 3 of this ordinance.

3 Section 3. The PUDA attached to this ordinance as Exhibit B is approved and accepted.

4 Section 4. The City Clerk is authorized and directed to file the PUDA with the King
5 County Recorder's Office; to file, upon return of the recorded PUDA from the King County
6 Recorder's Office, the original PUDA along with this ordinance at the City Clerk's Office; and to
7 deliver copies of the PUDA and this ordinance to the Director of the Seattle Department of
8 Construction and Inspections and to the King County Assessor's Office.

1 Section 5. 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 24th day of July, 2017,
5 and signed by me in open session in authentication of its passage this 24th day of
6 July, 2017.

7 

8 President _____ of the City Council

9
10 Filed by me this 24th day of JULY, 2017.

11 

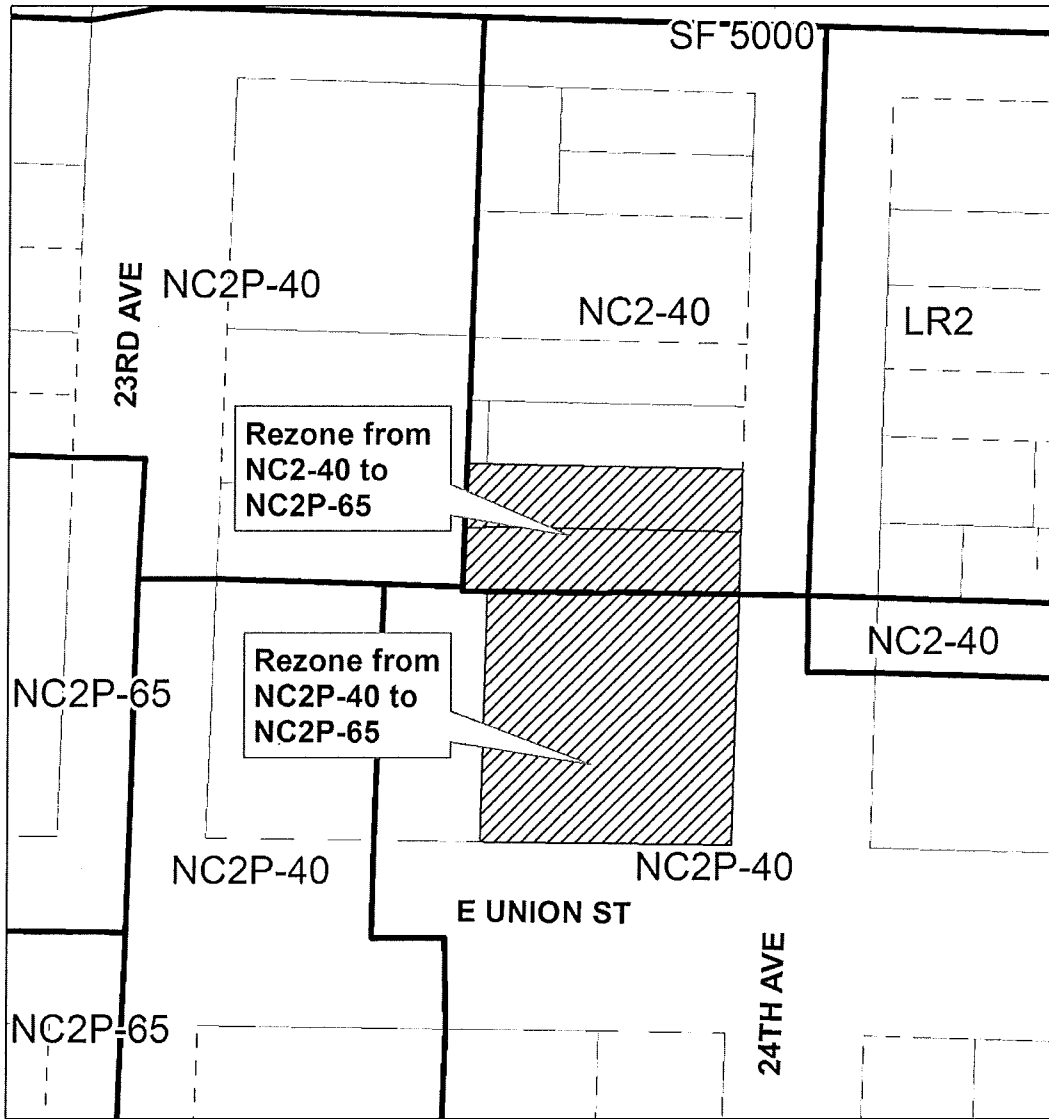
12 Monica Martinez Simmons, City Clerk

13 (Seal)

14 Exhibits:

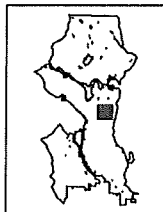
15 Exhibit A – Rezone Map

16 Exhibit B – Property Use and Development Agreement



Proposed Rezone
SDCI Project No. 3018178
2320 East Union Street

 Rezone Site



No warranties of any sort, including accuracy, fitness, or merchantability accompany this product. Copyright 2017, All Rights Reserved City of Seattle. Prepared June 6, 2017 by Council Central Staff

0 100
Feet



A horizontal scale bar with a black line and the numbers '0' and '100' at its ends, with the word 'Feet' centered below it.

FILED
 CITY OF SEATTLE

2017 JUL 21 PM 2:32

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	CITY CLERK

PROPERTY USE AND DEVELOPMENT AGREEMENT

Grantor(s):	(1)	Union and 24 th Associates LLC, a Washington limited liability company	(2)	n/a
<input type="checkbox"/> Additional grantors on page <u>n/a</u>				
Grantee:	(1)	The City of Seattle		
<input type="checkbox"/> Additional on page <u>n/a</u>				
Legal Description <i>(abbreviated if necessary):</i>	See below.			
<input type="checkbox"/> Additional legal description on page <u>n/a</u> :				
Assessor's Tax Parcel ID #:	7217400045, 7217400040, and 7217400035			
Reference Nos. of Documents Released or Assigned:				

THIS PROPERTY USE AND DEVELOPMENT AGREEMENT (the "Agreement") is executed this 20th day of July, 2017, in favor of the CITY OF SEATTLE (the "City"), a Washington municipal corporation, by Union and 24th Associates, LLC, a Washington limited liability company (the "Owner").

RECITALS

A. Union and 24th Associates, LLC is the owner of that certain real property (the "Rezone Site") in the City of Seattle zoned Neighborhood Commercial 2 with a Pedestrian Overlay and a 40-foot height limit (NC2P-40) and Neighborhood Commercial 2 with a 40-foot height limit (NC2-40) shown in Attachment A and legally described as:

Parcel A

Lots 7 and 8, Block 1, J. H. Rengstorff's Addition to the City of Seattle, according to the plat thereof recorded in Volume 2 of Plats, Page 101, in King County, Washington. Together with unplatted strip adjoining said lots on the west.

and

Parcel B

Lots 9, 10, 11, and 12 Block 1, J. H. Rengstorff's Addition to the City of Seattle, according to the plat thereof recorded in Volume 2 of Plats, Page 101, in King County, Washington.

B. On August 4, 2016, the Owner submitted to the City of Seattle an application under Project No. 3018178 for a rezone of the Rezone Site from Neighborhood Commercial 2 with a Pedestrian Overlay and 40-foot height limit (NC2P-40) and Neighborhood Commercial 2 with a 40-foot height limit (NC2-40) to Neighborhood Commercial 2 with a Pedestrian Overlay and a 65-foot height limit (NC2P-65). The purpose of the application is to allow the Rezone Site to accommodate a new structure with low-income apartment units above ground floor commercial space.

C. SMC 23.34.004.B authorizes the Council to apply the provisions of Chapters 23.58B and 23.58C through a contract rezone. SDCI Director's Rule 14-2016 (April 6, 2017) ("The Rule") sets forth performance and payment requirements that shall be applied where the City has not adopted pertinent performance and payment requirements in SMC 23.58C.

D. Seattle Municipal Code Section 23.34.004 allows the City to approve a rezone subject to "self-imposed restrictions upon the use and development of the property in order to ameliorate adverse impacts that could occur from unrestricted use and development permitted by development regulations otherwise applicable after the rezone."

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 hereby 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 of the Rezone Site from Neighborhood Commercial 2 with a Pedestrian Overlay and 40-foot height limit (NC2P-40) and Neighborhood Commercial 2 with a 40-foot height limit (NC2-40) to Neighborhood Commercial 2 with a Pedestrian Overlay and a 65-foot height limit (NC2P-65):

- a) Development of the Rezone Site is restricted to a project developed in substantial conformance with the final approved plans for Master Use Permit number 3018178.
- b) Development of the Rezone Site is subject to the requirements of SMC 23.58B and 23.58C. However, the requirements of SMC 23.58B are not applicable to a project developed in substantial conformance with the final approved plans for Master Use Permit number 3018178, as the plans do not specify more than 4,000 square feet of gross floor area in commercial use (SMC 23.58B.020.B) And, a project developed in substantial conformance with the final approved plans for Master Use Permit number 3018178 meets the conditions of exemption from the requirements of SMC 23.58C (SMC

23.58C.025.C) per the information recorded on page G2.01 of Hearing Examiner Exhibit #4, Council File 314349.

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 land and shall be binding upon the Owners, their heirs, successors and assigns, and shall apply to after-acquired title of the Owners of the Rezone Site.

Section 3. Termination of Zoning Designation.

The new zoning designation shall expire according to SMC 23.76.060.C, or if the rezone is revoked pursuant to SMC 23.34.004.

Section 4. Termination of Conditions.

The conditions listed in Section 1 of this Agreement shall expire according to SMC 23.76.060.C, or if the Rezone is revoked pursuant to SMC 23.34.004.

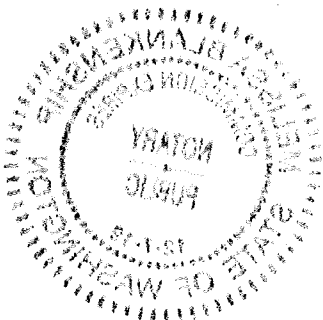
Section 5. Amendment. This Agreement may be amended or modified by agreement between Owner and the City, if such amendments are approved by the City Council by ordinance.

Section 6. Exercise of Police Power. Nothing in this Agreement shall prevent the City Council from making such further amendments to the Seattle Municipal Code or Land Use Code as it may deem necessary in the public interest.

Section 7. No Precedent. 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 8. 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 avail themselves of the benefits of this rezone but then fail 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 NC2P-40 and NC2-40 zoning designations or some other zoning designation imposed by the City Council; and/or
- b. pursue specific performance of this Agreement.



SIGNED this 20 day of JULY, 2017.

Union and 24th Associates, LLC

a Washington limited liability company

By: [Signature]

Christopher Persons

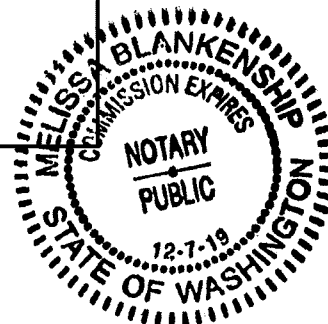
Its: Chief Executive Officer

On this day personally appeared before me Christopher Persons, to me known to be the Chief Executive Officer, of Union and 24th Associates, 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 20th day of July, 2017

<u>Melissa Blankenship</u>	Printed Name
<u>King Co.</u>	NOTARY PUBLIC in and for the State of Washington, residing at
<u>[Signature]</u>	My Commission Expires <u>12-7-19</u>

STATE OF WASHINGTON	}		SS.
COUNTY OF KING			



Attachment A: Rezone Map

