

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	Executive Contact/Phone:
Legislative	Ketil Freeman/206.684.8178	

** Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

1. BILL SUMMARY

a. Legislation Title:

AN ORDINANCE relating to land use and zoning; affirming the rezone approved through Ordinance 125640; and accepting an amended Property Use and Development Agreement as a condition of rezone approval. (Remand of the approval granted through C.F. 314356 of a rezone application by 70th & Greenwood Ave, LLC, C.F. 314425, SDCI Project 3023260)

b. Summary and background of the Legislation:

This bill would affirm a contract rezone granted through Clerk File 314356 and Ordinance 125640 and accept an amended Property Use and Development Agreement (PUDA) associated with the rezone.

On August 6, 2018, the Council passed Ordinance 125640, which amended the Official Land Use Map and accepted a PUDA for a proposed project located at 7009 Greenwood Avenue North.

On August 27, 2018, Irene Wall and Bob Morgan (Appellants) filed a land use petition in King County Superior Court alleging six errors in the Council’s decision and requesting, among other things, that the Court reverse the Council’s decision. On March 5, 2019, the Court issued an order: (1) remanding the rezone approval to Council to address compliance with one rezone criterion, (2) denying other claims by the Appellants, and (3) retaining jurisdiction. On March 27, 2019, the Court issued an amended order after reconsideration. The amended order directs:

Pursuant to RCW 36.70C.140, the contract rezone approval and Property Use and Development Agreement are hereby remanded to the City Council to address compliance with SMC 23.34.009.D.2, which requires that ‘[a] gradual transition in height and scale and level of activity between zones shall be provided unless major physical buffers, as described in subsection [23.34.008.E.2], are present,’ in the area where the commercial Lot 287710- 4100 shares a rear boundary line with the single family residential Lot 287710- 4120 at 7010 Palatine Avenue North. (Order of Remand after Reconsideration, March 27, 2019)

On April 17, 2019, the Planning, Land Use and Zoning Committee heard oral argument from the applicant and Appellants. The Committee recommended that the rezone be affirmed subject to additional conditioning that would limit development in a landscaped

open space buffer between a proposed mixed-use building and an existing single-family house to provide a gradual transition between zones.

2. CAPITAL IMPROVEMENT PROGRAM

- a. Does this legislation create, fund, or amend a CIP Project? Yes No

3. SUMMARY OF FINANCIAL IMPLICATIONS

- a. Does this legislation amend the Adopted Budget? Yes No
- b. Does the legislation have other financial impacts to the City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?
No
- c. Is there financial cost or other impacts of *not* implementing the legislation?
No

4. OTHER IMPLICATIONS

- a. Does this legislation affect any departments besides the originating department?
No
- b. Is a public hearing required for this legislation?
No
- c. Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?
No
- d. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?
No
- e. Does this legislation affect a piece of property?
Yes, see Exhibit A to this bill and exhibits A and B to ordinance 125640.
- f. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities?
Not applicable

- g. If this legislation includes a new initiative or a major programmatic expansion:
What are the specific long-term and measurable goal(s) of the program? How will
this legislation help achieve the program's desired goal(s).**

Not applicable

- h. Other Issues:**

None

List attachments/exhibits below: