



Legislation Details (With Text)

**File #:** CB 119511    **Version:** 1    **Name:** CB 119511  
**Type:** Ordinance (Ord)    **Status:** Passed  
**In control:** City Clerk

**On agenda:** 5/20/2019

**Final Action:** 5/20/2019    **Ord. No.** Ord 125820

**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)

**Sponsors:** Abel Pacheco

**Indexes:**

**Attachments:** 1. Ex A – Executed Amended Property Use and Development Agreement, 2. Ex A – Unexecuted Amended Property Use and Development Agreement, 3. Summary and Fiscal Note, 4. Proposed Substitute, 5. Signed Ordinance 125820, 6. Affidavit of Publication

Date	Ver.	Action By	Action	Result
5/20/2019	1	City Clerk	attested by City Clerk	
5/20/2019	1	City Council	passed as amended	Pass
5/6/2019	1	City Council	referred	
5/2/2019	1	Council President's Office	sent for review	
4/30/2019	1	City Clerk	sent for review	

CITY OF SEATTLE

ORDINANCE \_\_\_\_\_

COUNCIL BILL \_\_\_\_\_

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)

WHEREAS, in August 2018, the City Council (“Council”) passed Ordinance 125640, which amended the Official Land Use Map to rezone a property located at 7009 Greenwood Avenue North from Neighborhood Commercial 2 with a 40-foot height limit (NC2 40) to Neighborhood Commercial 2 with a 55-foot height limit and mandatory housing affordability suffix (NC2 55 (M)) and accepted a Property Use and Development Agreement; and

WHEREAS, Bob Morgan and Irene Wall (“Appellants”) filed a land use petition (No. 18-2-21317-7) in King County Superior Court alleging multiple errors in the Council’s rezone decision; and

WHEREAS, in March 2019, the Superior Court remanded the decision to the Council “to address compliance with [Seattle Municipal Code subsection] 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”; and

WHEREAS, on April 17, 2019, the Council’s Planning, Land Use and Zoning Committee heard oral argument from the Appellants and the rezone applicant on the remanded issue and recommended additional conditions in the area where the commercial Lot 287710-4100 shares a rear boundary line with the single-family residential Lot 287710-4120 to secure a gradual transition and physical buffer; and

WHEREAS, Council decisions related to contract rezone applications have no precedential effect; NOW,

THEREFORE,

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

Section 1. The City Council affirms the amendment to the Official Land Use Map made by Section 2 of Ordinance 125640.

Section 2. The amended Property Use and Development Agreement (PUDA) attached to this ordinance as Exhibit A is approved and accepted.

Section 3. The City Clerk is authorized and directed to take the following actions: (1) file the PUDA approved in Section 2 of this ordinance with the King County Recorder’s Office; (2) upon return of the recorded PUDA from the King County Recorder’s Office, file the original PUDA along with this ordinance at the City Clerk’s Office; and (3) deliver copies of the PUDA and this ordinance to the Director of the Seattle Department of Construction and Inspections and to the King County Assessor’s Office.

Section 4. This ordinance, effectuating a quasi-judicial decision of the City Council and not subject to mayoral approval or disapproval, shall take effect 30 days from its approval by the City Council.

Passed by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2019, and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Monica Martinez Simmons, City Clerk

(Seal)

Attachments:  
Exhibit A - Amended Property Use and Development Agreement