

The City of Seattle
Ordinance 127448
Council Bill 121220

An ordinance relating to land use and zoning; approving the extension of a contract rezone approved by Ordinance 125632 and accepting an amended Property Use and Development Agreement for a property located at 5201 Rainier Avenue South (Application by Eagle Rock Ventures and 5201 Rainier, LLC, C.F. 314549, SDCI Project 3018378-LU).

Recitals:

The City Council passed Ordinance 125632 on July 30, 2018, approving a contract rezone for a property located at 5201 Rainier Avenue South (Property) and accepting a Property Use and Development Agreement (PUDA).

The PUDA imposed conditions and covenants on future development of the Property. Permitting delays, the COVID-19 pandemic, and current macroeconomic conditions make development of the project infeasible.

Eagle Rock Ventures and 5201 Rainier, LLC now seek to extend the expiration date for the PUDA and contract rezone in order to complete the development of the Property.

Pursuant to Seattle Municipal Code (SMC) subsection 23.76.060.E, the City Council may extend the time limit on a Type IV land use decision by up to two years.

The Seattle Department of Construction and Inspections (SDCI) recommended that the Council approve the extension request on April 8, 2026. The SDCI recommendation is filed in Clerk File 314549.

The City Council, pursuant to SMC subsection 23.76.060.E.2, finds the extension request to be reasonable, warranted by changed circumstances from passage of Ordinance 125632, and in the public interest. Therefore,

Be it ordained by The City of Seattle as follows:

Section 1. The zoning designation established by Ordinance 125632 is extended for two years from the effective date of this ordinance.

Section 2. The Council accepts the Amended Property Use and Development Agreement (PUDA) attached to this ordinance as Exhibit A.

Section 3. The City Clerk is authorized and directed to file the amended PUDA with the King County Recorder's Office; to file, upon return of the amended PUDA from the King County Recorder's Office, the original amended PUDA at the City Clerk's Office; and to deliver copies of the same 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 referendum or mayoral approval or disapproval, shall take effect and be in force 30 days from and after its passage immediately after its passage and approval by the City Council.

Attachments:

Exhibit A – Amended PUDA

Passed by the City Council and signed in open session in authentication of its
passage on June 9, 2026.



President _____ of the City Council

Attested on June 9, 2026.



Scheereen Dedman, City Clerk

Seal

Amendment to 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	

AMENDMENT TO PROPERTY USE AND DEVELOPMENT AGREEMENT

Grantor(s):	(1)	5201 Rainier LLC, a Washington limited liability company	(2)	n/a
☐ Additional grantors on page <u>n/a</u>				
Grantee:	(1)	The City of Seattle		
☐ Additional on page <u>n/a</u>				
Legal Description (abbreviated if necessary):		All of Tract 31 and the north 50 feet of Tract 32 of Morningside Acre Tracts, as per plat recorded in Volume 9 of Plats, Page 64, record of King County Auditor; Except that portion which lies north of a line drawn perpendicular to the east line of 39th Ave South from a point thereon which is 30 feet south of the most northerly point of said Tract 31; Situate in the City of Seattle, County of King, State of Washington.		
☐ Additional legal description on page <u>n/a</u> :				
Assessor's Tax Parcel ID #:		5649600378 and 5649600385		
Reference Nos. of Documents Released or Assigned:				

THIS AMENDMENT (the "Amendment") to the PROPERTY USE AND DEVELOPMENT AGREEMENT recorded under King County Recording Number 20180831001969 (the "PUDA") is executed this 4th day of June, 2026, in favor of the CITY OF SEATTLE (the "City"), a Washington municipal corporation, by 5201 Rainier LLC, a Washington limited liability company (the "Owner").

All terms not defined herein shall have the same meaning as in the PUDA.

1. Section 3 of the PUDA is amended to read as follows:

Section 3. The new zoning designation shall expire according to SMC 23.76.060.C and SMC 23.76.060.E, or if the rezone is revoked pursuant to SMC 23.34.004.

2. Section 4 of the PUDA is amended to read as follows:

Section 4. The conditions listed in Section 1 of this Agreement shall expire according to SMC 23.76.060.C and SMC 23.76.060.E, or if the rezone is revoked pursuant to SMC 23.34.004.

3. No Other Changes. Except as set forth herein, the PUDA shall remain in full force and effect.

[Signature Pages Follow]

SIGNED this 4th day of June, 2026.

5201 Rainier LLC,
a Washington limited liability company

By: MS Ventures LLC,
a Washington limited liability company

Its: Manager

By: Scott E. Shapiro

Its: Manager

On this day personally appeared before me Scott E. Shapiro, to me known to be the Manager of MS Ventures 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 4th day of June, 2026.

		Printed Name <u>Bulfrano Cantor</u>
		NOTARY PUBLIC in and for the State of Washington, residing at <u>Tukwila</u>
		My Commission Expires <u>9/16/2026</u>
STATE OF WASHINGTON	}	SS.
COUNTY OF KING		

BULFRANO CANTOR
Notary Public
State of Washington
Commission # 22030357
My Comm. Expires Sep 16, 2026