

Permit Number:
3020677



CITY OF SEATTLE

Land Use Permit

Department of Planning
and Development
700 Fifth Ave., Suite 2000
P.O. Box 34019
Seattle, WA 98124-4019
(206) 684-8600

APN #: 170290-1220	Site Address: 3902 S FERDINAND ST, SEATTLE, WA Building ID(s): NONE Location: Legal Description: LTS 230 THRU 234, BLK 10, COLUMBIA, ADDITION. Records Filed At: 3902 S FERDINAND ST
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<p style="text-align: center;">OWNER</p> <p>SACHIN KUKREJA 418 30TH AV S SEATTLE, WA 98144 Ph: (206) 412-6130</p>	<p style="text-align: center;">APPLICANT</p> <p>LEAH MARTIN 1429 12TH AVE SUITE C SEATTLE, WA 98122 Ph: (206) 383-7274 Fax: (206) 374-2379</p>	<p>Application Date: 05/20/2015 Approved for Issuance: Issued Date: Expiration Date: 08/17/2015</p> <hr/> <p>Fees Paid: \$1,070.00 As of Print Date: 05/21/2015</p>
Primary Applicant		

Description of Project: Council Land Use Action to allow an amendment to Property Use and Development Agreement (PUDA) to extend expiration date of August 17, 2015, CF 311662, Ordinance 123923.

Permit Remarks:

Use: N TRAO Applies: N Land Use Conditions: N Decision Type: I	<table border="1"> <thead> <tr> <th>Approved Uses</th> <th>Location</th> </tr> </thead> <tbody> <tr><td> </td><td> </td></tr> </tbody> </table>	Approved Uses	Location											Zoning/Overlays: Lowrise-3 Landfill Southeast Seattle Reinvestment Single Family 5000 Additional Information on File
Approved Uses	Location													

Land Use Component Information

Component Type	Component Detail	Outcome
COUNCIL ACTION	MINOR AMENDMENT TO PUDA	

A/P #	Related Cases/Permits	Project Contacts	Name	Phone
3011960	Discretionary Land Use Action	LU Planner	MICHAEL DORCY	(206) 615-1393

Applicant Signature: _____ **Date:** _____

This Land Use Permit authorizes the use of the property and/or work described above. Permission is hereby given to develop the site address shown, according to the conditions hereon and according to the specification pertaining thereto, subject to compliance with the Ordinances of the City of Seattle.

Subsequent Demolition, Construction, Site Work, or Mechanical work may require additional permits and may not begin without the appropriate approval. Additional information may be obtained from the Department of Planning and Development at (206) 684-8169.

Parent: 3011960 Related AP: Build ID: 3020678

City of Seattle



Department of Planning and Development
Applicant Services Center
700 - 5th Avenue, Suite 2000
P. O. Box 34019
Seattle, WA 98124-4019

RECEIVED

MAY 20 2015

City of Seattle
Dept. of Planning and Development

REQUEST TO REVISE A MASTER USE PERMIT

(To be filled out by the applicant)

3011960 JKO 5/21/2015

REVISE Master Use Permit # ~~3008629~~ Expiration date of original permit: 5/26/2015

Was a Shoreline approval required? Yes No

Property Address: 3902 S Ferdinand Street

Describe Revision: (attach additional pages if needed) See attached

Is there a related issued construction permit? Yes No *If Yes: Building Permit # _____*

Has construction work commenced and is it currently underway? Yes No

Please check if owners/contact information has changed from original MUP : Yes No

Forms to provide include: (follow this link to [DPD forms](#))

- Financially Responsible Party form
- Letter of Authorization

Contact Person Leah Martin Day Phone #: 206 383-7274

Mailing Address

City: Allied8
1429 12th Ave Seattle State WA Zip Code: 98122
E-Mail: leah@allied8.com

I UNDERSTAND THAT THIS DOES NOT CONSTITUTE A PERMIT

Applicant's signature: Sachin Kukreja, owner

Please Print Name: Sachin Kukreja



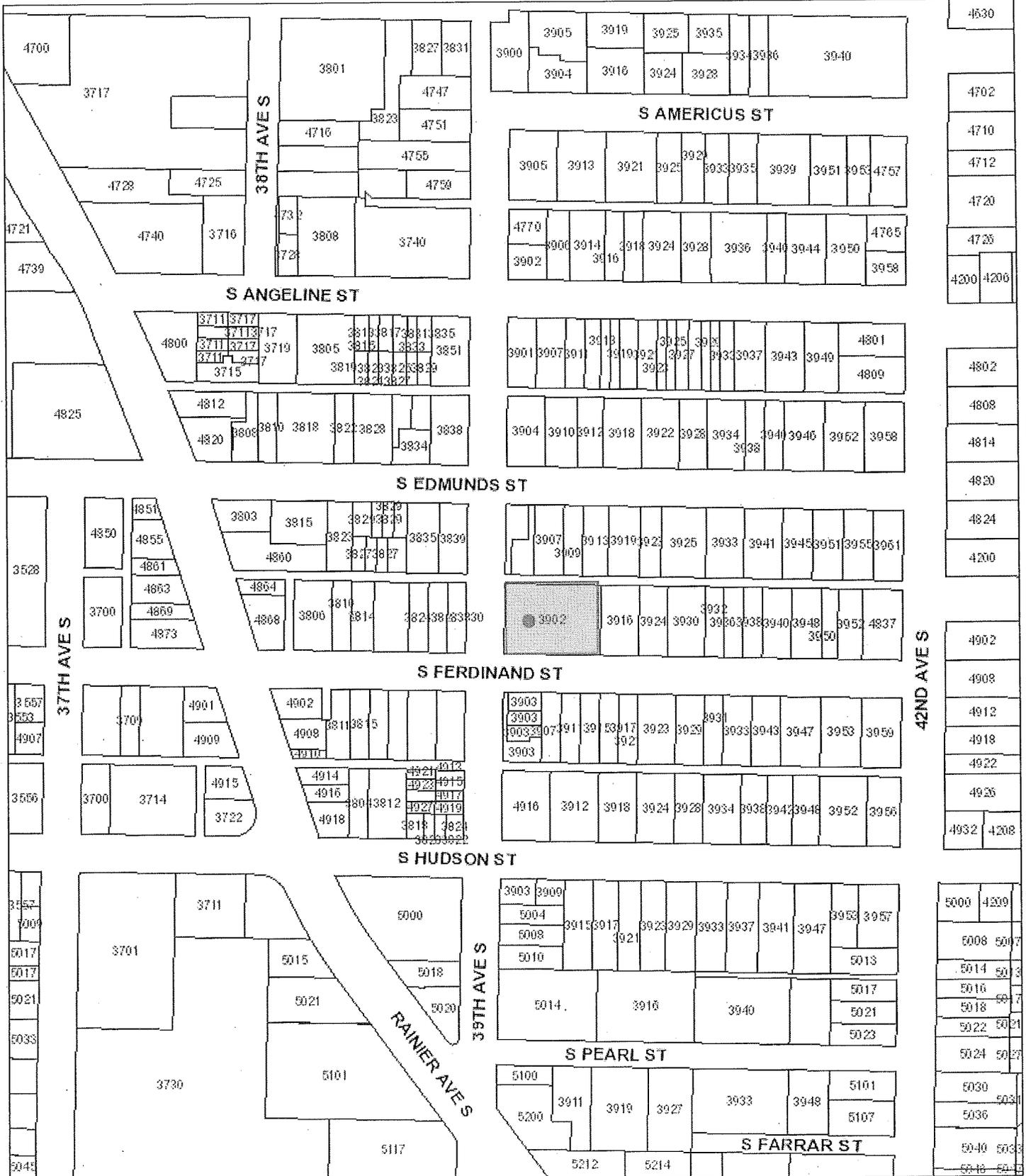
3902 S Ferdiand St

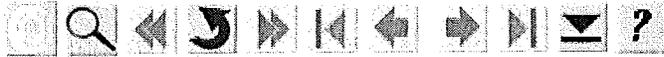
PUDA Amendment



Feet

0 200





This database contains legislation that has already been acted on by Council (passed, retired, etc.). Legislation currently in process can be found here :

[Current Legislation](#). Please visit our [FAQ](#) page for additional information.

City of Seattle Legislative Information Service

Information retrieved on May 28, 2015 3:30 PM

Council Bill Number: 117517
Ordinance Number: 123923

AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 159 of the Official Land Use Map to rezone property located at 3902 S. Ferdinand Street from Lowrise 3 (LR3) and Single Family 5000 (SF 5000) to Lowrise 3 with a Residential- Commercial overlay zone (LR3-RC) and SF 5000 (Application of Kevin Broderick , C.F. 311662, Project No. 3011960, Type IV).

Status: Passed

Date passed by Full Council: July 23, 2012

Vote: 8-0 (Excused: Clark)

Date filed with the City Clerk: July 23, 2012

Date of Mayor's signature:
(about the signature date)

Date introduced/referred to committee: July 9, 2012

Committee: Full Council

Sponsor: CONLIN

Committee Recommendation:

Date of Committee Recommendation:

Committee Vote:

Index Terms: ZONING, LAND-USE-CODE, CONTRACT-REZONES, COLUMBIA-CITY

References/Related Documents: Related: [Clerk File 311662](#)

Fiscal Note: [Fiscal Note to Council Bill No. 117517](#)

Electronic Copy: [PDF scan of Ordinance No. 123923](#)

Text

AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 159 of the Official Land Use Map to rezone property located at 3902 S. Ferdinand Street from Lowrise 3 (LR3) and Single Family 5000 (SF 5000) to Lowrise 3 with a ResidentialCommercial overlay zone (LR3-RC) and SF 5000 (Application of Kevin Broderick , C.F. 311662, Project No. 3011960, Type IV).

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. This Ordinance affects the following legally described lots ("the Property") commonly known as 3902 S. Ferdinand Street:

LOTS 230 TO 234, BLOCK 10, COLUMBIA ADDITION

Section 2. The Official Land Use Map zone classification for the Property, established on page 159 of the Official Land Use Map, and adopted by Ordinance 110381 and last modified by Ordinance 123853, is amended to rezone the Property from Lowrise 3 (LR3) and Single Family 5000 (SF 5000) to Lowrise 3 with a Residential-Commercial overlay zone (LR3-RC) and SF 5000, as shown in Exhibit A of this ordinance. Approval of this rezone is conditioned upon

performance and continued compliance with the conditions of the Property Use and Development Agreement referenced in Section 3 of this ordinance.

Section 3. The Property Use and Development Agreement attached to this Ordinance as Exhibit B is hereby approved and accepted.

Section 4. The rezone approval of the Property expires, pursuant to Section 23.76.060 B of the Seattle Municipal Code, two (2) years from the effective date of approval, unless, within the two (2) year period, an application is filed for a Master Use Permit, which permit is subsequently issued. If the permit is subsequently issued, the rezone remains in effect for the life of the use authorized under the Master Use Permit, unless revoked pursuant to Section 23.34.004.

Section 5. The City Clerk is hereby authorized and directed to file said Property Use and Development Agreement, attached to this ordinance as Exhibit B, at the King County Records and Elections Division; to file, upon return of the recorded agreement from the King County Records and Elections Division, the original of said Property Use and Development Agreement with this Ordinance at the City Clerk's Office; and to deliver copies of the same to the Director of the Department of Planning and Development and to the King County Assessor's Office.

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

Passed by the City Council the ____ day of _____, 2012, and signed by me in open session in authentication of its passage this

____ day of _____, 2012.

President _____of the City Council

Filed by me this ____ day of _____, 2012.

Monica Martinez Simmons, City Clerk

(Seal)

Exhibit A: Rezone Map

Exhibit B: Property Use and Development Agreement

Michael Jenkins LEG 3902 S. Ferdinand Street June 27, 2012 Version #2a

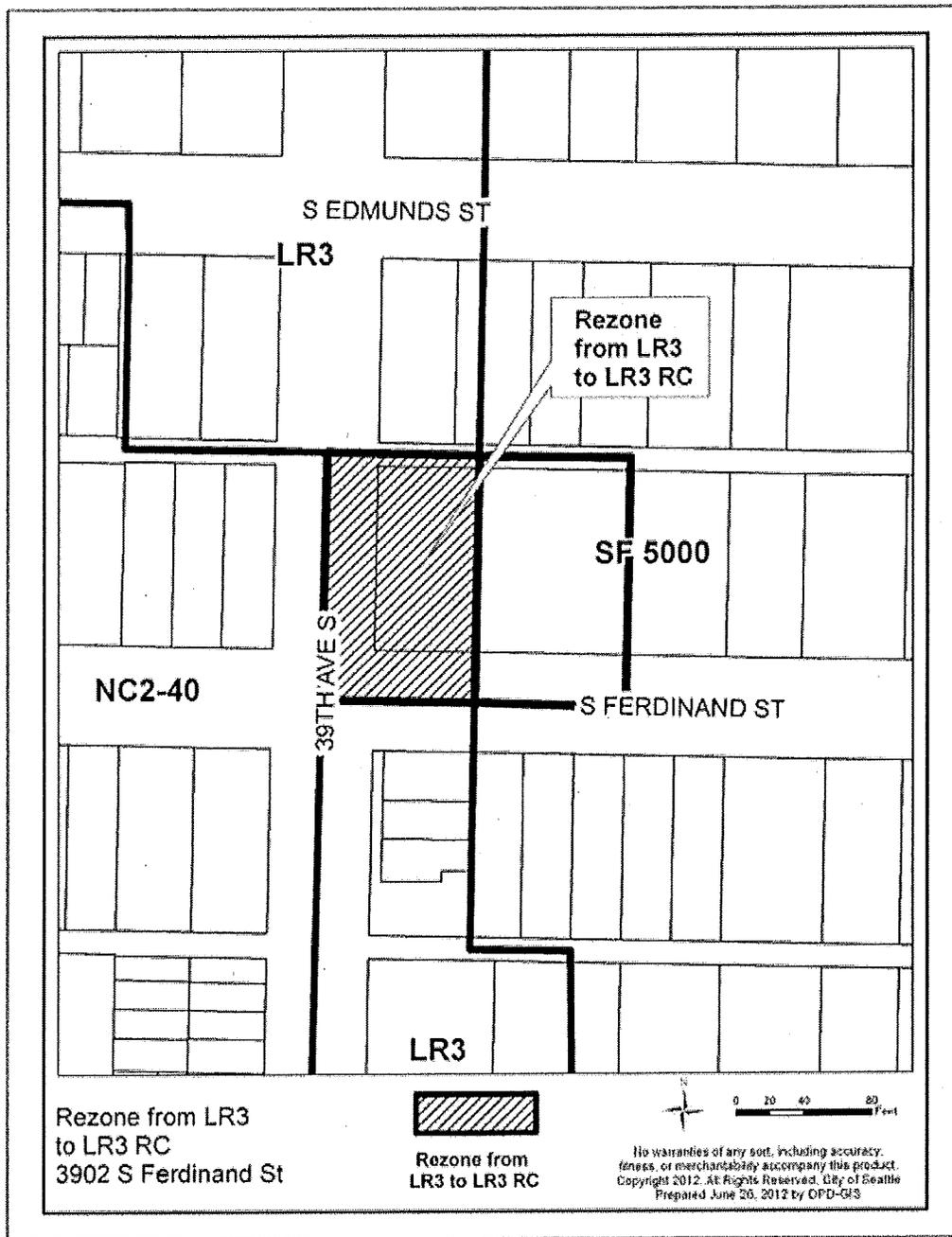


Exhibit A: Rezone Map

EXHIBIT B - PROPERTY USE AND DEVELOPMENT AGREEMENT



23.76.060 - Expiration and extension of Council land use decisions

- A. Decisions granted under Title 24. The expiration of Council land use decisions granted under Title 24 is governed by the applicable provisions of Section 23.04.010, Transition to the Land Use Code.
- B. Council conditional uses and public projects.
 1. Approvals of Council conditional uses and public projects expire three years from the effective date of approval unless:
 - a. Within the three year period, an application is filed for a Master Use Permit, that is subsequently issued; or
 - b. Another time for expiration is specified in the Council's decision.
 2. If a Master Use Permit is issued for a project permitted by Council approval of a Council conditional use or a public project, the Council's approval of the Council conditional use or public project remains in effect until the date that the Master Use Permit expires pursuant to the provisions of Section 23.76.032, or until the date specified by the Council, whichever is later. If a Master Use Permit is issued for a project permitted by Council approval of a Council conditional use or Council approval of a public project, a building permit is issued for the project, and the project is constructed pursuant to the building permit, conditions required by the Council's approval of the Council conditional use or the Council's approval of the public project shall remain in effect, notwithstanding expiration of the Council's approval of the Council conditional use or the Council's approval of the public project, until the project is demolished or until an earlier date on which:
 - a. the condition by its terms expires;
 - b. the condition is removed through a permitting decision; or
 - c. if the condition was imposed as to a specific use within the project, that use is terminated.
- C. Contract Rezones.
 1. The provisions of this section 23.76.060.C.1 apply except as otherwise provided in the Council decision on a contract rezone.
 - a. A zoning designation established by a contract rezone shall expire three years after the date of the Council action approving the rezone, except as follows:
 - 1) If, prior to the end of the three year period, a complete application is filed for a Master Use Permit to establish a use on the rezoned property, the zoning designation shall not expire pursuant to this Section 23.76.060 as to the lot or lots for which the application is made so long as that application remains pending. The zoning designation shall expire immediately upon any cancellation of the application that occurs after the end of the three year period, unless another such application filed before the end of that period is pending at the time of such cancellation;
 - 2) If a Master Use Permit is issued based on an application that is sufficient to extend the three year period under subsection 23.76.060.C.1.a.1), then the zoning designation shall not expire pursuant to this Section 23.76.060 as to the lot or lots for which the permit is issued unless and until the Master Use Permit expires without a certificate of occupancy having been issued for any structure constructed or altered for a use authorized by any such Master Use Permit, and then shall immediately expire. If such a certificate of occupancy is issued, then the zoning designation shall not expire pursuant to this Section 23.76.060 for that lot or lots;
 - 3) If only a portion of the rezoned property is the subject of a particular application or

Master Use Permit, then the zoning designation shall expire as to the other portions of the rezoned property at the same time as if that application had not been made or that permit not issued, as the case may be.

2. When a contract rezone expires, the Official Land Use Map is automatically amended so the zoning designation in effect immediately prior to the contract rezone applies to the subject property, except to the extent otherwise expressly provided by ordinance. The Director shall file a notice of expiration with the City Clerk and with the King County Recorder and shall cause the reversion to the former designation to be shown on published land use maps, but the expiration shall be effective notwithstanding any failure to make such filing or to reflect such expiration in any published information. Unless expressly stated otherwise in any property use and development agreement (PUDA) recorded in connection with a rezone, if the zoning designation expires as to all property subject to the PUDA, then all restrictions and requirements in the PUDA shall terminate.
 3. Regardless of whether the time period for expiration has elapsed or a certificate of occupancy has been issued as described in subsection 23.76.060.C.1.a.2), the zoning designation established by a contract rezone shall no longer be in effect upon the effective date of a subsequent rezoning by the Council of the subject property, either through a site-specific rezone or as part of an area-wide rezone. Effective on or after the effective date of such subsequent rezoning of all property subject to a PUDA recorded in connection with the prior rezone, some or all of that property may be released from some or all of the conditions of the PUDA if the release is authorized by ordinance. Such release may be authorized without following the PUDA amendment procedures in 23.76.058, except that notice and a comment period shall be provided pursuant to 23.76.058.C.3. In making the decision whether to release all or part of the PUDA, the Council shall consider factors such as:
 - a. whether any of the property subject to the PUDA has been or may still be developed in a manner that was permitted under the designation established by the contract rezone and would not be permitted under the subsequent rezoning; and
 - b. the extent to which any terms of the PUDA as applied to the subsequently rezoned property are relevant to the impacts of any development of that property occurring subsequent to the PUDA.
- D. Variances. Variances granted as part of a Council land use decision shall remain in effect for the same period as the land use decision granted, except those variances granted as part of a rezone, which shall expire on the date the rezone expires or the effective date of any text amendment making more stringent the development standard from which the variance was granted, whichever is sooner.
- E. Extensions. The Council may extend the time limits on Type IV land use decisions for no more than two years, upon an applicant's filing an application to the Department at least 120 days before the approval's expiration. The Council may request a recommendation on the extension application from the Director, but the Hearing Examiner hearing and recommendation requirements of Section 23.76.052 do not apply. Notice of applications for extensions of Type IV land use decisions and an opportunity to comment shall be provided pursuant to subsections 23.76.012.B.1 or B.2, and subsection 23.76.012.B.3, and notice and an opportunity to comment shall also be provided to the parties of record in the Council's original Type IV land use proceeding and to those persons who were provided written notice of the Hearing Examiner's recommendation on the original Type IV application to the extent reasonably practicable.

1. The Council may not extend the time limit for a Type IV land use decision for a project that is not in conformance with applicable regulations, including land use and environmentally critical areas regulations, in effect at the time application for an extension is made.
2. In deciding whether to grant an extension, the Council shall consider:
 - a. The reason or basis for the application for the extension and whether it is reasonable under the circumstances;
 - b. Whether changed circumstances in the area support an extension;
 - c. Whether additional time is reasonably necessary to comply with a condition of approval adopted by the Council that is required to be fulfilled prior to expiration of the Council land use decision.

(Ord. 123913, § 33, 2012; Ord. 123046, § 59, 2009; Ord. 122497, § 13, 2007; Ord. 122054 § 87, 2006; Ord. 118012 § 51, 1996; Ord. 114473 § 4, 1989; Ord. 112522 § 2(part), 1985.)

Part 3 Legislative Decisions (Type V)

Michael Jenkins
LEG 3902 S. Ferdinand Street
June 27, 2012
Version #2a

CITY OF SEATTLE
ORDINANCE 123923
COUNCIL BILL 117517

1
2
3
4 AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle
5 Municipal Code at page 159 of the Official Land Use Map to rezone property located at
6 3902 S. Ferdinand Street from Lowrise 3 (LR3) and Single Family 5000 (SF 5000) to
7 Lowrise 3 with a Residential-Commercial overlay zone (LR3-RC) and SF 5000
8 (Application of Kevin Broderick, C.F. 311662, Project No. 3011960, Type IV).

9
10
11 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

12 Section 1. This Ordinance affects the following legally described lots ("the Property")
13 commonly known as 3902 S. Ferdinand Street:

14
15 **LOTS 230 TO 234, BLOCK 10, COLUMBIA ADDITION**

16 Section 2. The Official Land Use Map zone classification for the Property, established
17 on page 159 of the Official Land Use Map, and adopted by Ordinance 110381 and last modified
18 by Ordinance 123853, is amended to rezone the Property from Lowrise 3 (LR3) and Single
19 Family 5000 (SF 5000) to Lowrise 3 with a Residential-Commercial overlay zone (LR3-RC) and
20 SF 5000, as shown in Exhibit A of this ordinance. Approval of this rezone is conditioned upon
21 performance and continued compliance with the conditions of the Property Use and
22 Development Agreement referenced in Section 3 of this ordinance.

23 Section 3. The Property Use and Development Agreement attached to this Ordinance
24 as Exhibit B is hereby approved and accepted.



Michael Jenkins
LEG 3902 S. Ferdinand Street
June 27, 2012
Version #2a

1 Section 4. The rezone approval of the Property expires, pursuant to Section 23.76.060
2 B of the Seattle Municipal Code, two (2) years from the effective date of approval, unless, within
3 the two (2) year period, an application is filed for a Master Use Permit, which permit is
4 subsequently issued. If the permit is subsequently issued, the rezone remains in effect for the life
5 of the use authorized under the Master Use Permit, unless revoked pursuant to Section
6 23.34.004.
7

8 Section 5. The City Clerk is hereby authorized and directed to file said Property Use
9 and Development Agreement, attached to this ordinance as Exhibit B, at the King County
10 Records and Elections Division; to file, upon return of the recorded agreement from the King
11 County Records and Elections Division, the original of said Property Use and Development
12 Agreement with this Ordinance at the City Clerk's Office; and to deliver copies of the same to
13 the Director of the Department of Planning and Development and to the King County Assessor's
14 Office.
15

16 Section 6. This Ordinance, effectuating a quasi-judicial decision of the City Council and
17 not subject to mayoral approval or disapproval, shall take effect and be in force thirty (30) days
18 from and after its passage and approval by the City Council.
19

20 Passed by the City Council the 23rd day of July, 2012, and
21 signed by me in open session in authentication of its passage this

22 23rd day of July, 2012.
23

24 Sally Bagshaw
25 President pro tem of the City Council
26
27
28



Michael Jenkins
LEG 3902 S. Ferdinand Street
June 27, 2012
Version #2a

1 Filed by me this 23rd day of July, 2012.

2
3 
4 Mónica Martínez Simmons, City Clerk

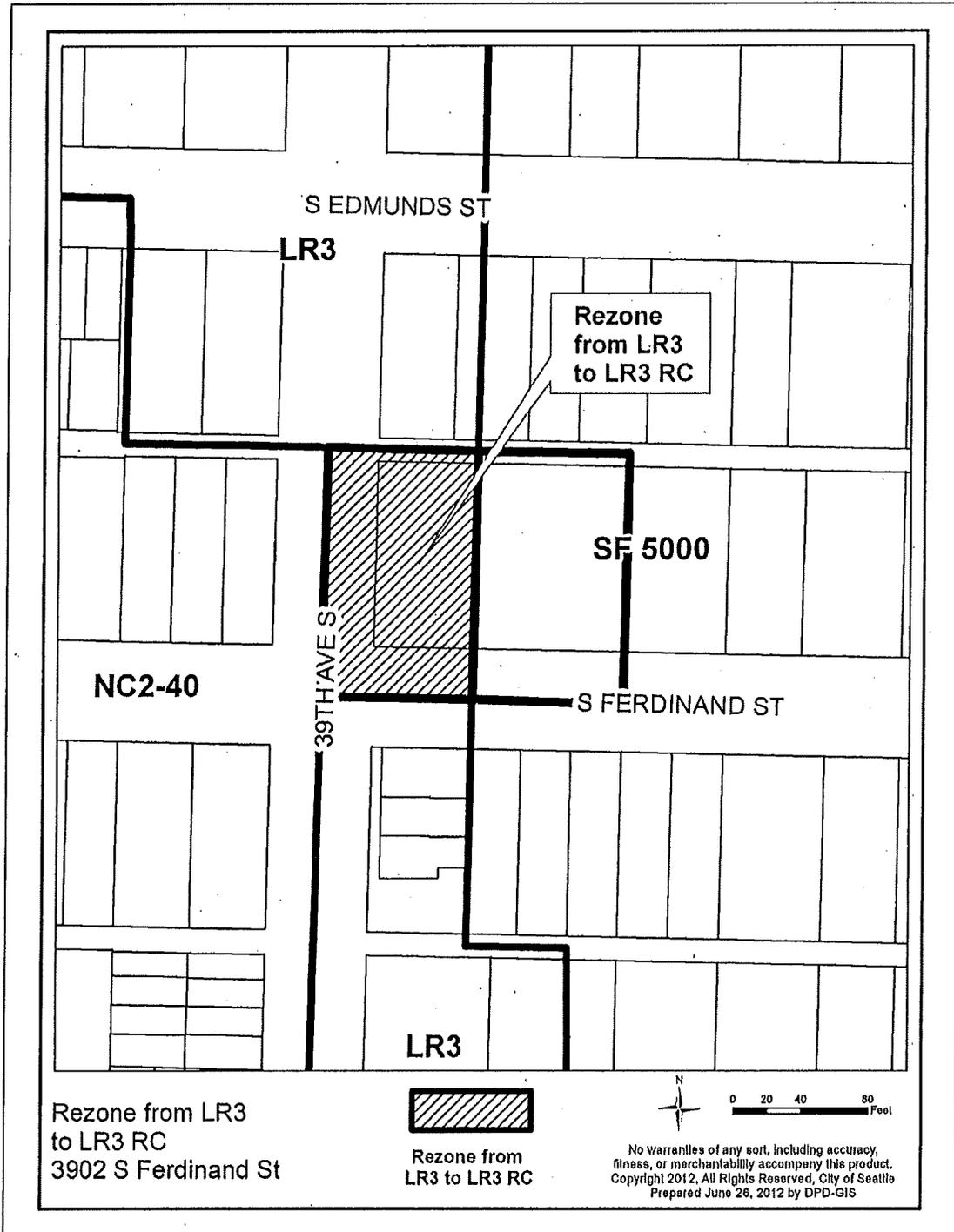
5 (Seal)

6
7 Exhibit A: Rezone Map

8
9 Exhibit B: Property Use and Development Agreement



EXHIBIT A – REZONE ORDINANCE – 3902 S. FERDINAND



FILED
CITY OF SEATTLE

2012 JUL 18 PM 4: 39

CITY CLERK

When Recorded, Return to:
THE SEATTLE CITY CLERK
600 Fourth Ave, Floor 3
PO Box 94728
Seattle, WA 98124-4728

PROPERTY USE AND DEVELOPMENT AGREEMENT

Grantors: LR Columbus LLC

Grantee: The City of Seattle

Legal Description:

LOTS 230 TO 234, BLOCK 10, COLUMBIA ADDITION, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 7 OF PLATS, PAGE 97, IN KING COUNTY WASHINGTON.

Assessor's Tax Parcel ID#: 1702901220

THIS PROPERTY USE AND DEVELOPMENT AGREEMENT ("Agreement") is executed as of this 16th day of July, 2012, in favor to the CITY OF SEATTLE, a Washington municipal corporation (the "City"), by LR COLUMBUS LLC (the "Owner").

RECITALS

A. LR Columbus LLC is the owner of that certain real property legally described as Lots 230 to 234, Block 10, Columbia Addition, according to the plat thereof recorded in volume 7 of plats, page 97, in King County, Washington (the "Property"). The Property is located in the City of Seattle and is zoned Lowrise 3 (LR3). Exhibit 1 to this Agreement shows the location of the Property and the area to be rezoned.

B. On or around July 8, 2011, the Owner submitted to the City a request to rezone a portion of the Property from LR3 to Lowrise 3 with a Residential-Commercial overlay zone (LR3-RC), as authorized under Seattle Municipal Code (SMC) Section 23.34 (the "Rezone"). The Rezone would allow proposed development at the Property that includes the conversion of an existing religious facility into a mixed use structure containing 5 dwelling units above 3 commercial spaces located at ground level, as reflected in the decision for Master Use Permit No. 3011960.

C. Seattle Municipal Code (SMC) Section 23.34.004 allows the City to approve a contract 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:

1. **Agreement.** Pursuant to 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 limitation and condition in consideration of the Rezone:

Future development of the Property is restricted to modification and reuse of an existing structure in substantial conformance with the final approved Master Use Permit decision with related plans dated July 6, 2011 (MUP #3011960), authorizing a change of use of a structure with 8 dwelling units to a structure with 5 dwelling units above 3 commercial spaces. The commercial spaces will be available for retail/commercial or live/work uses. Two of the entries to the commercial spaces are along 39th Avenue South, with a third entry from South Ferdinand Street.

2. **Agreement Runs with the Land.** This Agreement shall be recorded in the real property records of King County. The covenants hereof shall be deemed to attach to and run with the Property and shall be binding upon the Owner, its heirs, successors and assigns, and shall apply to after-acquired title of the Owner in the Property.

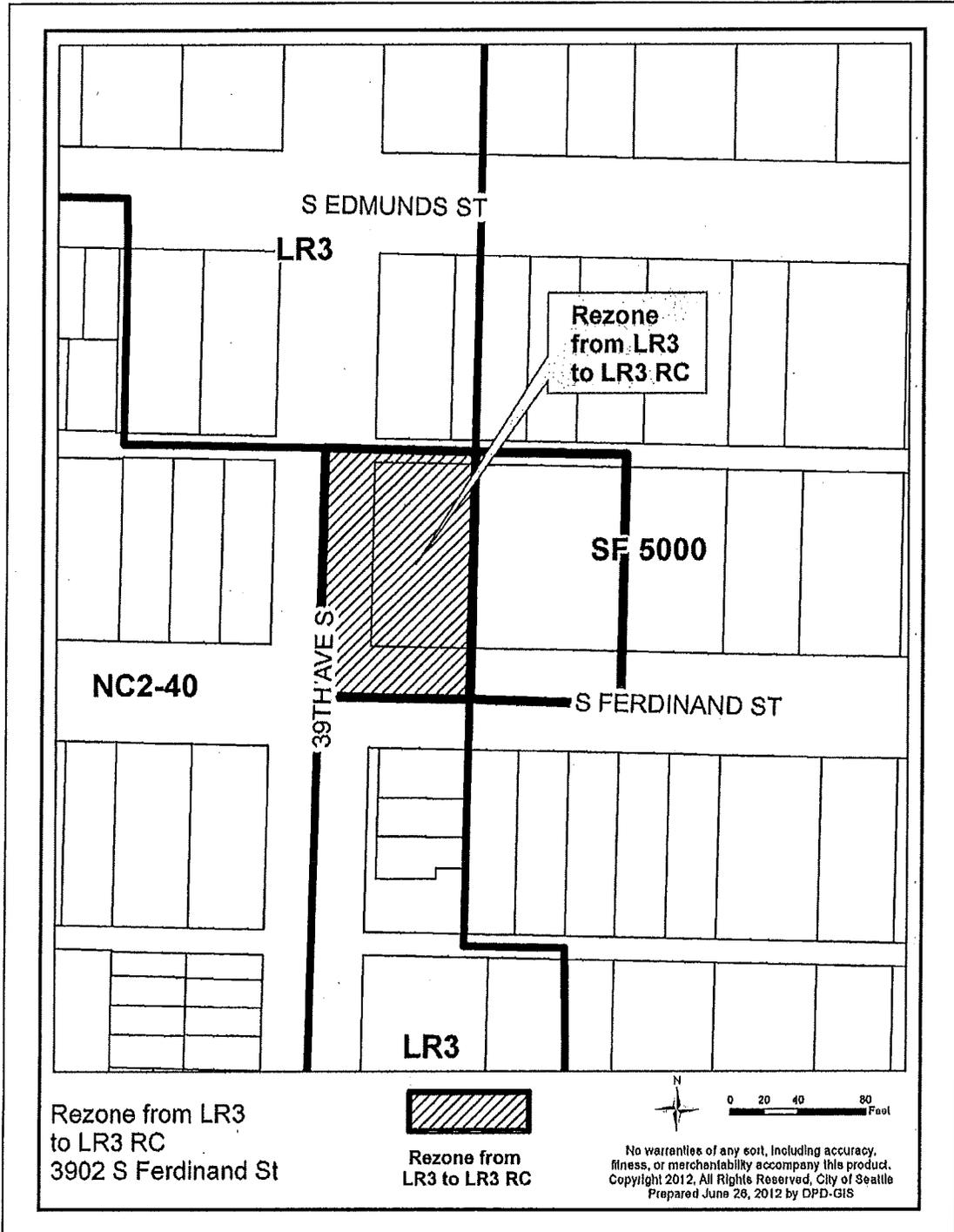
3. **Termination.** The covenants herein shall expire at such time as the Rezone expires or is revoked pursuant to SMC 23.34.004. If a Master Use Permit is issued pursuant to the final approved Master Use Permit decision with related plans dated July 6, 2011 (MUP #3011960), the covenants herein shall remain in effect until the Council changes the zoning designation for the Property, or amends development standards that apply to the LR3-RC zone, and a certificate of occupancy is issued for a new development of the Property that conforms to the zone designation and development standards that then apply to the Property and replaces the development described in Section 1.

4. **Amendment.** This Agreement may be amended or modified by agreement between Owner and the City; provided, such amendment shall be approved by the legislative authority of the City by ordinance.

5. **Exercise of Police Power.** Nothing in this Agreement prevents 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.

6. **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.

EXHIBIT 1 – PUDA - 3902 S. FERDINAND



FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Legislative	Michael Jenkins, 5-1674	NA

Legislation Title:

AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 159 of the Official Land Use Map to rezone property located at 3902 S. Ferdinand Street from Lowrise 3 (LR3) and Single Family 5000 (SF 5000) to Lowrise 3 with a Residential-Commercial overlay zone (LR3-RC) and SF 5000 (Application of Kevin Broderick, C.F. 311662, Project No. 3011960, Type IV)

Summary of the Legislation:

This legislation rezones a site located at 3902 S. Ferdinand Street, in the Columbia City neighborhood of Southeast Seattle. The rezone would change the existing zoning at the site from Lowrise 3 (LR 3) and Single Family 5000 (SF 5000) to Lowrise 3 with a Residential Commercial overlay (LR3-RC) and SF 5000.

Background:

This bill approves a petitioner-generated rezone subject to the Council's rules for quasi-judicial decisions. The original petition, Department of Planning and Development recommendation, Hearing Examiner's Findings and Recommendation, record established by the Hearing Examiner and Council's Findings, Conclusions and Decision are contained in Clerk's File 311662.

Rezone conditions are contained in the Findings, Conclusions and Decision. The conditions would be recorded in a consolidated Property Use and Development Agreement for the rezone. The rezone petitioner anticipates development of a mixed use project on the site.

- *Please check one of the following:*

X **This legislation does not have any financial implications.**





20120823000167

SEATTLE CITY CLERK
PAGE-001 OF 005
08/23/2012 10:20
KING COUNTY, WA

66.00

When Recorded, Return to:
THE SEATTLE CITY CLERK
600 Fourth Ave, Floor 3
PO Box 94728
Seattle, WA 98124-4728

2012 JUL 18 PM 4:39

CITY CLERK

PROPERTY USE AND DEVELOPMENT AGREEMENT

Grantors: LR Columbus LLC

Grantee: The City of Seattle

Legal Description:

LOTS 230 TO 234, BLOCK 10, COLUMBIA ADDITION, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 7 OF PLATS, PAGE 97, IN KING COUNTY WASHINGTON.

FILED
SEATTLE
13 FEB 13 AM 10:25
CITY CLERK

Assessor's Tax Parcel ID#: 1702901220

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RECITALS

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B. On or around July 8, 2011, the Owner submitted to the City a request to rezone a portion of the Property from LR3 to Lowrise 3 with a Residential-Commercial overlay zone (LR3-RC), as authorized under Seattle Municipal Code (SMC) Section 23.34 (the "Rezone"). The Rezone would allow proposed development at the Property that includes the conversion of an existing religious facility into a mixed use structure containing 5 dwelling units above 3 commercial spaces located at ground level, as reflected in the decision for Master Use Permit No. 3011960.

C. Seattle Municipal Code (SMC) Section 23.34.004 allows the City to approve a contract 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:

1. Agreement. Pursuant to 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 limitation and condition in consideration of the Rezone:

Future development of the Property is restricted to modification and reuse of an existing structure in substantial conformance with the final approved Master Use Permit decision with related plans dated July 6, 2011 (MUP #3011960), authorizing a change of use of a structure with 8 dwelling units to a structure with 5 dwelling units above 3 commercial spaces. The commercial spaces will be available for retail/commercial or live/work uses. Two of the entries to the commercial spaces are along 39th Avenue South, with a third entry from South Ferdinand Street.

2. Agreement Runs with the Land. This Agreement shall be recorded in the real property records of King County. The covenants hereof shall be deemed to attach to and run with the Property and shall be binding upon the Owner, its heirs, successors and assigns, and shall apply to after-acquired title of the Owner in the Property.

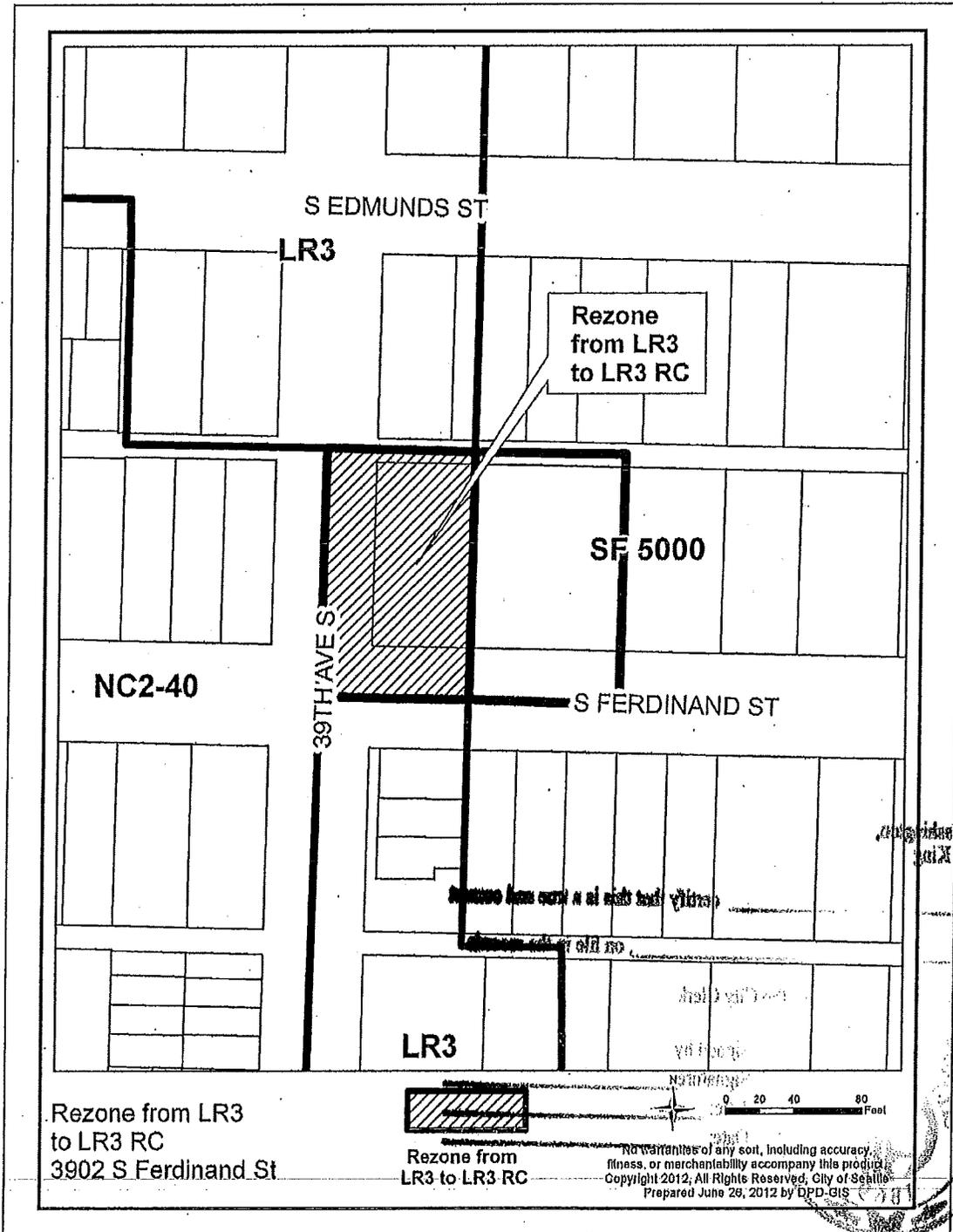
3. Termination. The covenants herein shall expire at such time as the Rezone expires or is revoked pursuant to SMC 23.34.004. If a Master Use Permit is issued pursuant to the final approved Master Use Permit decision with related plans dated July 6, 2011 (MUP #3011960), the covenants herein shall remain in effect until the Council changes the zoning designation for the Property, or amends development standards that apply to the LR3-RC zone, and a certificate of occupancy is issued for a new development of the Property that conforms to the zone designation and development standards that then apply to the Property and replaces the development described in Section 1.

4. Amendment. This Agreement may be amended or modified by agreement between Owner and the City; provided, such amendment shall be approved by the legislative authority of the City by ordinance.

5. Exercise of Police Power. Nothing in this Agreement prevents 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.

6. 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.

EXHIBIT 1 - PUDA - 3902 S. FERDINAND



State of Washington,
County of King

I, Janet Palatu certify that this is a true and correct
copy of PUDA to Ord. 123923, on file in the records
of the City of Seattle, Office of the City Clerk



Signed by: [Signature]
Signature
Title: Information Specialist
Date: August 23, 2012



City of Seattle

Department of Planning and Development
Diane M. Sugimura, Director

**CITY OF SEATTLE
DETERMINATION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3020677 (related to issued MUPs #3011960 and #3008629, and proposal #3023678)

Council File Number: 314316

Applicant Name: Leah Martin, Allied 8, on behalf of Sachin Kukreja

Address of Proposal: 3902 S. Ferdinand Street

SUMMARY OF PROPOSED ACTIONS

Request to amend a Property Use and Development Agreement (PUDA) that was required as a condition to an amendment of the Official Land Use Map, approved under Ordinance 123923.

The following approvals are required:

Director's Determination of Minor Amendment—SMC 23.76.058.B.2.b
Council Approval of minor amendment by ordinance

BACKGROUND

On May 20, 2015, the Department of Planning and Development received from Leah Martin, on behalf of Sachin Kukreja, owner of the property at 3902 S. Ferdinand Street, a request to amend the Property Use and Development Agreement between the previous owner of the property, LR Columbus LLC, and the City of Seattle, executed on July 16, 2012, approved and accepted by the City of Seattle through Ordinance 123923, and recorded with the King County Department of Elections and Records, as provided for in SMC 23.76.058.B.2.

The approved MUP #3011960 is a contract rezone from LR3 to LR3-RC for property located at 3902 S. Ferdinand Street, parcel #1702901220 in the Columbia City neighborhood of the City of Seattle. The approved contract rezone was associated with Master User Permit #3008629 authorizing a change of use of a structure (a former church) to a structure with 5 dwelling units to be located above 3 commercial spaces. With this application, the current property owner, Sachin Kukreja, is petitioning for a minor revision to issued MUP #3008629 and an amendment to the associated MUP #3011960 and PUDA (CF#311662). Changes to the original proposal include reconfiguration of the interior building space to provide additional residential units,

reconfigured commercial space, and removal of the interior parking area. No live/work uses are currently being proposed. No new uses are proposed beyond those approved in the Property Use and Development Agreement (PUDA) confirming the stipulations of Ordinance #123923. Additional descriptions of the proposed amendments are included below.

Notice and Public Comments

Notice of the revised project and request to amend the PUDA were published on November 5, 2015. The comment period ran through November 19, 2015. Approximately 10 written comments were received during the official comment period, authored by 6 different individuals. One individual was supportive of the creative re-use of the church building, but expressed concern regarding the lack of parking proposed. Another individual who had testified in support of the project at the original re-zone hearing, noted that his support was based at least in part on the amount of commercial space, now reduced in the present proposal. Another commentator stated that it was hard to see how any commercial space at this site was of any service to the community. No parking is required by Code, but the lack of parking now proposed bothered at least four of the writers. There was concern expressed regarding the accommodations for garbage and trash collection; even though there was no parking or services proposed from the adjacent alley, one individual thought the project should be held responsible for alley improvements.

Proposed Revisions and Rationale

As explained in a letter to the Department from the applicant dated September 2, 2015, since the time the rezone had been approved, a new owner had purchased the property and a new architectural firm had been brought on board to investigate new configurations and changes that might result in a project more viable than previously proposed. In order to make the adaptive reuse of the church structure more feasible, the current owner is requesting minor changes to the interior configuration, including number and size of both residential and commercial spaces, the elimination of parking as a component of the project. There are no changes to the massing, Floor Area Ratios (FARs), or building height proposed. Several items and aspects of the original re-zone remain unchanged:

- The land (site and right-of-way area) of the rezone (14,700 square feet) remains unchanged;
- The height of the proposal (at 34.6 feet) remains unchanged;
- Lot coverage (89%) remains unchanged;
- The actual site area (6,600 square feet) remains unchanged;
- Modifications to windows, adding new penetrations remains as previously proposed under MUP #3008629.

Changes proposed and the reasons set forth for the changes are as follows:

- Nine parking spaces had earlier been proposed in the basement of the existing structure, with 8 required; no parking is proposed, in conformance with new provisions of the Code. No minimum parking is required per SMC 23.54.015. Table A.II.J.

- Fourteen residential units are proposed instead of 8 units previously proposed. Previously, a density limit would have allowed 8.25 units. There is no maximum density limit for the project as currently proposed, per SMC 23.45.512., Table A, and SMC 23.45.510.C.
- Commercial square footage is reduced; there are two commercial spaces proposed instead of 3 as in the earlier proposal.
- In the earlier proposal multiple upper-level decks were proposed; the present proposal calls for a single main-level amenity area on the west side of the building by converting the shed roof to a rooftop plaza.
- A substantial west-facing dormer was originally proposed; currently no dormers are proposed.
- The original proposal showed basement parking garage for 9 vehicles, a garage door and driveway. No parking is required and none is proposed. No alley improvements are required.

Standard/Characteristic	MUP 3008629	Amended Proposal 3023678
Rezone Area	Total site and ROW area 14,700 sf	Same
Height Proposed	34.6	Same
Lot Coverage	89% (no change from existing)	Same
Parking	8, required; 9 provided	None. No minimum parking is required per SMC 23.54.015 Table A.II.J. <i>New code provision.</i>
Site Area in LR3-RC	6,600 sf	Same
Commercial Units	3 total units, undefined square footage and specific type	2 units of commercial space
Residential Density/Units	8 units proposed 8.25 units allowed Previous code at Table A 23.45.5121:800 allowed a ratio of 1:800 units per square foot of lot area.	14 units Per Table A 23.45.512 FN3 and SMC 23.45.510.C, this project qualifies for no maximum density. <i>New code provision.</i> Upgrading to Built Green standards not required for existing building to qualify for no density limit.
Max Floor Area Ratio	N/A	2.0 <i>Note new code provision.</i> Upgrading to Built Green standards is not required for existing building to qualify for higher FAR.
Exterior Modifications	Modification of windows and adding new penetrations	Same
	Adding multiple upper-level decks	Adding one main level amenity area on the west side of the building by converting shed roof to rooftop plaza.
	Adding a substantial west-facing dormer	No west or east facing dormer proposed.
	Basement parking garage for 9 vehicles. Alley improvements req.	No parking provided; no alley improvements required.

Amendment of Property Use and Development Agreements

SMC 23.76.058.C (Rules for specific Council Land Use Decisions, Amendment of PUDAs for Title 23 zones) sets forth the procedures and general criteria for the Director to make a determination whether a requested amendment is a minor or a major amendment. As described below, the applicant believes this amendment should be considered “minor” because it meets all the criteria set forth in SMC 23.76.058.C.

1. The request is within the spirit and general purpose of the prior decision of the Council

The spirit and purpose of the prior decision of the Director of DPD and the Council was to allow an existing structure designed and formerly used as a church to be adaptively reused as a mixed-use structure with residential apartments and commercial uses. A few significant exterior changes were proposed to the original structure and a contract rezone was sought from LR3 to LR3-RC to accommodate small scale commercial uses. The modified design also proposes adaptive reuse of the church as a mixed-use structure with residential apartments located above commercial space. The revised design reflects at least three important changes to the Land Use Code that have been made since approval of the original PUDA. These are: 1) no requirement for parking associated with the proposed uses; 2) no required maximum density of residential units; and, 3) a new application of FAR standards. Accordingly, the new proposal includes no on-site parking and allocates space differently among residential units to create a greater number of smaller units. The configuration of the commercial space has been changed and the amount of space proposed for commercial use has also been reduced. Overall, there will be fewer exterior changes to the original church structure, creating greater continuity with the existing neighborhood fabric. The amended proposal is well within the spirit and general purpose of the prior Council decision; therefore this criterion is met.

2. The request is generally consistent with the uses and development standards approved in the prior decision of the Council:

The original proposal was for eight apartment units in a building, with spaces provided at ground level for retail use in a configuration that would be allowed through Council approval of a rezone of land from LR3 to LR3-RC. When approved in 2009, the decision of the Council allowed apartment units along with an unspecified quantity of “retail/commercial or live/work” to be located within an existing structure undergoing some internal and external modifications. The amended proposal also is for apartment units located over retail/commercial space that meet the development standards of LR3-RC zoning. At this time, although allowed by Code, no live/work uses are proposed, but the applicant indicates that live/work uses could be added under a separate use permit, given appropriate changes in market conditions in the area. The prior PUDA did not approve any modifications to development standards, and the amended proposal does not seek any modifications to development standards, although it does benefit from amendments and Code changes enacted by the Council since 2009. This criterion is met.

3. *The request would not result in significant adverse impacts that were not anticipated in the prior decision of the Council:*

The requested amendments would increase the number of residential units by six, alter the size and configuration of the commercial space, remove underground parking, and change some exterior modifications to the building such as the location of windows and doors, siding, and outdoor amenity areas. The changes in unit count and parking are consistent with the City's policy and development standards for the site and are unlikely to result in impacts that were not considered by the City when it put these standards in place. See the SEPA discussion below. There are no significant adverse impacts resulting from the proposal overall, nor are there additional adverse impacts from any modifications put forth in the amended proposal; therefore this criterion is met.

4. *The request does not seek any additional waivers or changes in the waivers of bulk or off-street parking and loading requirements other than those approved in the prior decision of the Council:*

There were no requests for additional waivers or changes in the waivers of bulk or off-street parking and loading requirements as part of the prior decision of the Council. There are no requests for waivers as part of this request for an amendment to the PUDA. Therefore this criterion is met.

After reviewing the request and the general criteria set forth in SMC 23.76.058, the Director has determined that the amendment sought is a minor amendment. Modifications to the issued PUDA are within the original scope of the approved project. The determination that this amendment is a minor one, and that it is within the spirit and general purpose of the prior decision of the Council, is a Type I, non-appealable decision.

Master Use Permit (MUP) Revision

There is no specific code guidance or criteria for determining what constitutes a major or minor revision to a Master Use Permit. However, the Department has stated through its public outreach materials (specifically Tip 224B, dated March 3, 2010) that a MUP revision is considered Minor when the proposed changes "have little or no effect on the design or environmental impact of the originally approved permit."

The Director has also determined that modifications to the issued MUP plan sets for this project are within the original scope of the approved project and has further determined that these modifications are minor and within the spirit and general purpose of the prior decision. It has been determined that the issued MUP has not expired, that the revisions do not require any new discretionary approvals (see SMC 23.76.004), are consistent with codes applicable to the original MUP, or meet current code, and that the proposed revisions do not require further public notice or a new written DPD Director's decision. The present determination has been done in accord with the criteria set forth in TIP 224B. This is a Type I, non-appealable decision.

In accord with this determination, the issued MUP plans shall be amended by the applicant to supplement the record and to show the modifications approved by the Director. Corresponding changes shall also be made to plan sets accompanying building permits not yet issued, and shall be submitted as revisions to any construction applications that may have already been issued.

Having made the determination that the proposed amendment is a minor MUP amendment, the Director recommends that the Council approve an Amended and Restated Property Use and Development Agreement (PUDA) to require construction of a building substantially in accord with the modifications to the Master Use Permit approved by the Director as noted above and in accord with the corresponding changes that will be made in all related permits to construct.

SEPA Threshold Determination

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted to the Department by the former applicant in conjunction with MUP 3011960 and dated July 6, 2011. The information in the checklist, project plans and the experience of DPD as lead agency with review of similar projects formed the basis of the analysis and decision. A DNS (Determination of Non-significance) was issued by the Department of Planning and Development as lead agency on April 5, 2012. The Director's SEPA decision was not appealed.

There are no changes to the threshold determination of *DNS* (an EIS is not required) issued by the Department on April 5, 2012. Further, SMC 25.05.390 C provides that, regardless of any appeals, "a DNS issued by the responsible official may be considered final for purposes of other agencies' planning and decision-making unless subsequently changed, reversed or withdrawn." The DNS for this proposal, issued on June 15, 2011, has not been changed, reversed or withdrawn.

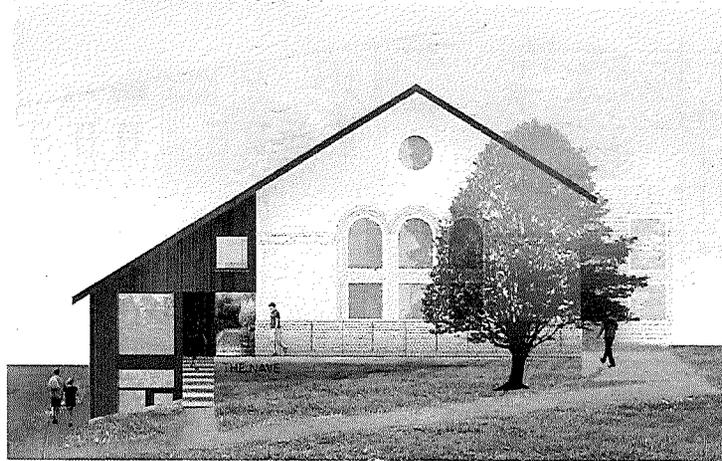
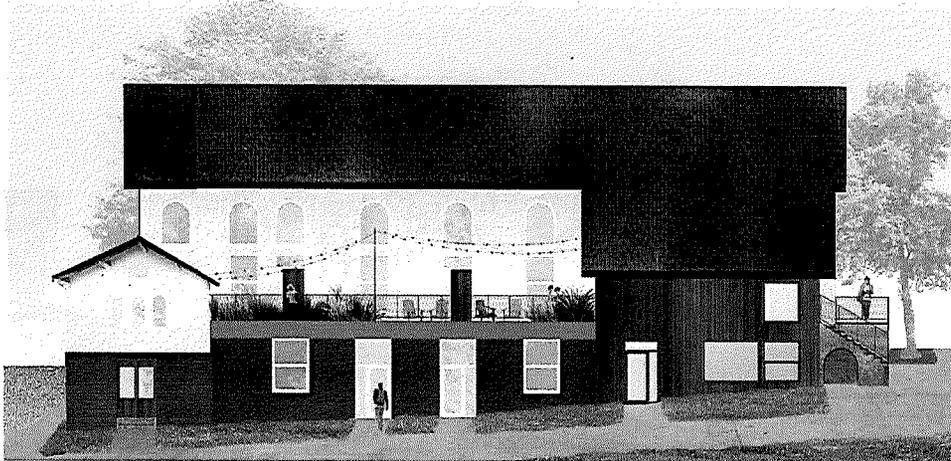

Michael M. Dorcy
Senior Land Use Planner

Date

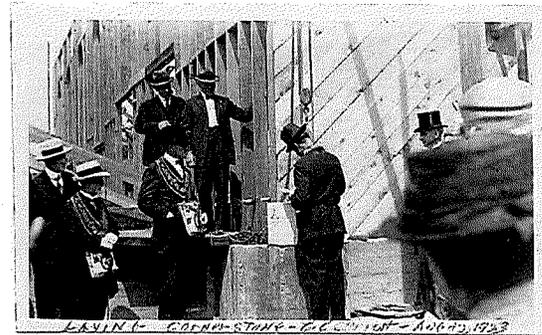
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H:dorcym/docs/Determination 3020677(121515). docx

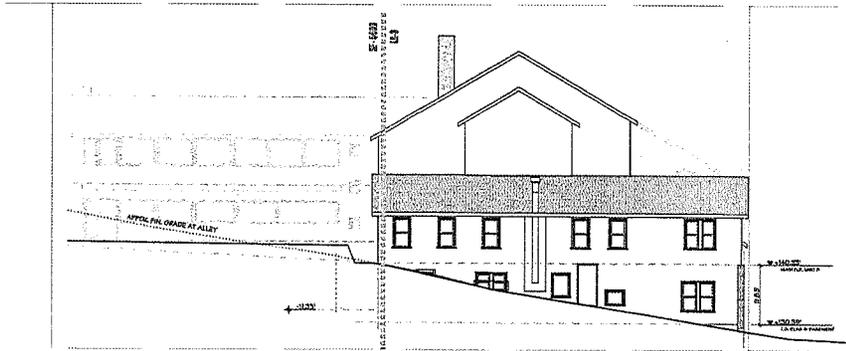
Attachment A: Views of proposed project, 3902 S Ferdinand Street, CF 314316



THE COLUMBIA CITY ABBEY MUP REVISION 09.03.2015 **allied8**
AVIATION CONNECT DESIGN

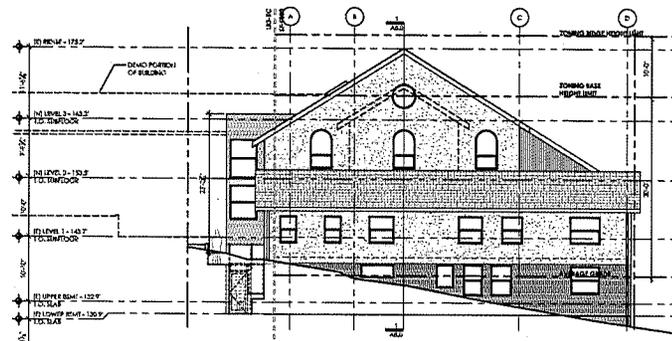


LAYING CORNERSTONE - AUGUST 1907 - AUGUST 1908
Property of Rainier Valley Historical Society, Seattle WA



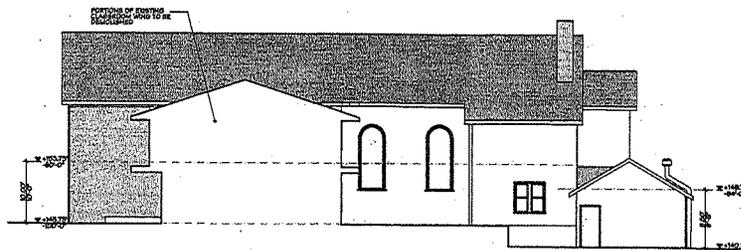
NORTH ELEVATION - EXISTING

1/8" = 1'-0"



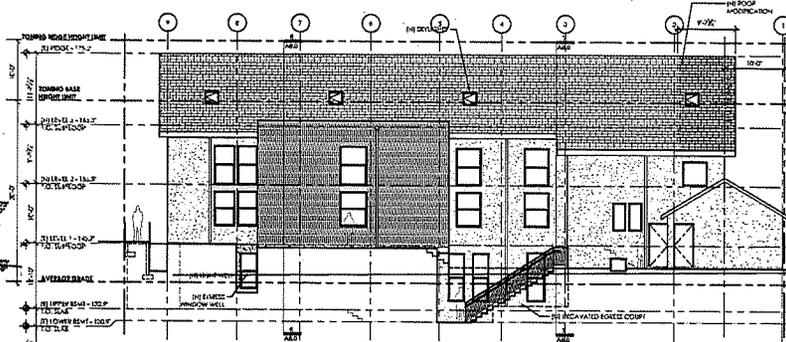
NORTH ELEVATION - PROPOSED

1/8" = 1'-0"



EAST ELEVATION - EXISTING

1/8" = 1'-0"



EAST ELEVATION - PROPOSED

1/8" = 1'-0"

allied



THE NAVE APARTMENTS
3023 FERRISLAND STREET

PERM # 200809
MAP # 15030
PRM # 11

ELEVATIONS

A6.0

ATTACHMENT B: DRAFT PUDA AMENDMENT CF 314316

When Recorded, Return to:

Office of the City Clerk
600 4th Avenue, Floor 3
PO Box 94728
Seattle, Washington 98124-4728

AMENDED PROPERTY USE AND DEVELOPMENT AGREEMENT

Grantor: 1) Northwest Investment LLC	
<input type="checkbox"/> Additional on page	
Grantee: 1) City of Seattle	
<input type="checkbox"/> Additional on page	
Legal Description (abbreviated):	COLUMBIA PCL A SEATTLE LBA #3019983 REC #20151103900001 SD LBA BEING LOTS 230 THRU 234 BLK 10 SD ADD; COLUMBIA PCL B SEATTLE LBA #3019983 REC #20151103900001 SD LBA BEING LOTS 230 THRU 234 BLK 10 SD ADD; and COLUMBIA PCL C SEATTLE LBA #3019983 REC #20151103900001 SD LBA BEING LOTS 230 THRU 234 BLK 10 SD ADD
<input type="checkbox"/> Additional on page	PAGE A-1
Assessor's Tax Parcel ID #s:	170290-1220; 170290-1221; and 170290-1222
Reference Nos. of Documents Released or Assigned:	N/A

THIS AMENDED PROPERTY USE AND DEVELOPMENT AGREEMENT (the "Agreement") is executed this ____ day of _____, 2016, in favor of the City of Seattle, a Washington municipal corporation (herein referred to as the "City"), by the Grantor listed above (herein referred to as the "Owner") of property legally described herein (herein referred to as the "Property").

RECITALS

ATTACHMENT B: DRAFT PUDA AMENDMENT CF 314316

A. The Owner owns that certain real Property in the City of Seattle. Complete legal descriptions for the parcels comprising the Property are included on Page A-1 attached hereto and incorporated herein by this reference.

B. On July 23, 2012, the Seattle City Council passed Ordinance 123923, which rezoned the Property and accepted a Property Use and Development Agreement (PUDA) in connection with the rezone;

C. On October 29, 2015, the Director of the City of Seattle Department of Planning and Development approved the boundary line adjustment of the Property, changing the legal description of the Property to that shown on Page A-1 from:

LOTS 230 TO 234, BLOCK 10, COLUMBIA ADDITION, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 7 OF PLATS, PAGE 97, IN KING COUNTY WASHINGTON.

Assessor's Tax Parcel ID#: 1702901220

D. On May 20, 2015, the Owner applied to amend the PUDA to allow for redevelopment of the property differently than called for in the conditions of the PUDA. The proposed amendment would not change the zoning of the property established by the contract rezone in July 2012;

E. SMC Section 23.76.058.C provides that "[p]roperty use and development agreements recorded as a condition of a contract rezone may be amended by agreement between the Owner and the City, if the amendment is approved by the Council."

F. Those terms of the PUDA accepted by Ordinance 123923 that are not amended by this Agreement are still valid.

AGREEMENT

Section 1. Amended Conditions. Section 1 of the PUDA accepted by Ordinance 123923 is amended as follows:

1. Agreement. Pursuant to 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 limitation and condition in consideration of the Rezone:

Future development of the Property is restricted to modification and reuse of an existing structure in substantial conformance with the final approved Master Use Permit decision with related plans dated May 11, 2015 (MUP #3020678) authorizing apartment residences with commercial spaces in conformance with

ATTACHMENT B: DRAFT PUDA AMENDMENT CF 314316

~~LR3-RC development standards, dated July 6, 2011 (MUP #3011960), authorizing a change of use of a structure with 8 dwelling units to a structure with 5 dwelling units above 3 commercial spaces. The commercial spaces will be available for retail/commercial or live/work uses. Two of the entries Entries to the commercial spaces are along 39th Avenue South, with a third entry from and South Ferdinand Street.~~

Section 3 of the PUDA accepted by Ordinance 123923 is amended as follows:

3. Termination. The covenants herein shall expire at such time as the Rezone expires or is revoked pursuant to SMC 23.34.004. If a Master Use Permit is issued pursuant to the final approved Master Use Permit decision with related plans dated ~~May 11, 2015 (MUP #3020678)~~ ~~July 6, 2011 (MUP #3011960)~~, the covenants herein shall remain in effect until the Council changes the zoning designation for the Property, or amends development standards that apply to the LR3-RC zone, and a certificate of occupancy is issued for a new development of the Property that conforms to the zone designation and development standards that then apply to the Property and replaces the development described in Section 1.

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 title to the Property and shall be binding upon the Owner, his heirs, successors and assigns, and shall apply to the after-acquired title of the owner of the Property.

Section 3. Amendment, Exercise of Police Power, No Precedent. This Agreement may be amended or modified by agreement between Owner and the City provided such amendment shall be approved by the legislative authority of the City by ordinance. Nothing in this Agreement shall prevent the City Council from making such further amendments to the Land Use Code or exercising the City's police power, as it may deem necessary in the public interest. Owner agrees that nothing in this Agreement is intended to authorize any use or dimension not otherwise permitted in the Lowrise 3, Residential-Commercial, LR3-RC, zone. 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 4. Benefited. This Agreement is made for the benefit of the City and for the benefit of the owners of the property within 300 feet of the Property and either the City or any such property owners may institute and prosecute any proceeding at law or in equity to enforce this Agreement.

Section 5. 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 himself 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

ATTACHMENT B: DRAFT PUDA AMENDMENT CF 314316

revoke the rezone by ordinance and require the use of the Property to conform to the requirements of the previously existing zone.

Section 6. Execution in Counterparts. This Agreement may be executed in any number of counterparts and by different parties hereto in separate counterparts each of which when so executed shall be deemed to be an original, and all of which taken together shall constitute one and the same Agreement.

SIGNED this _____ day of _____, 2016.

Owner:

Northwest Investment LLC, a Washington limited liability corporation

By: _____
Sachin Kukreja
Its: Manager

STATE OF WASHINGTON)
) ss.
COUNTY OF _____)

On this _____ day of _____, 2016, before me personally appeared Sachin Kukreja, to me known to be the Manager of Northwest Investment LLC, the Washington limited liability corporation that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said partnership, for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute said instrument on behalf of said partnership.

GIVEN under my hand and official seal this _____ day of _____, 2016.

Signature: _____
Name (Print): _____
NOTARY PUBLIC in and for the State
of Washington, residing at _____
My appointment expires: _____

ATTACHMENT B: DRAFT PUDA AMENDMENT CF 314316

Page A-1

Legal Descriptions

Assessor's Tax Parcel ID # 170290-1220

Parcel A:

Lot 230, 231, and 232, except the east 15.50 feet of said Lot 232, all in Block 10, Columbia Addition, according to the Plat thereof recorded in Volume 7 of Plats, Page 97, in King County, Washington.

Assessor's Tax Parcel ID # 170290-1221

Parcel B:

The East 15.50 feet of Lot 232 and Lot 233, except the East 7.75 feet of said Lot 233, all in Block 10, Columbia Addition, according to the Plat thereof recorded in Volume 7 of Plats, Page 97, in King County, Washington.

Assessor's Tax Parcel ID # 170290-1222

Parcel C:

Lot 234 and the East 7.75 feet of Lot 233, all in Block 10, Columbia Addition, according to the Plat thereof recorded in Volume 7 of Plats, Page 97, in King County, Washington.

ATTACHMENT C: DRAFT PUDA AMENDMENT ORDINANCE, CF 314316

Eric McConaghy
LEG 3902 S. Ferdinand PUDA Amendment ORD
February 17, 2016
DRAFT

1 Section 3. This ordinance: effectuates a quasi-judicial decision of the City Council; is not
2 subject to mayoral approval or disapproval; and shall be in force 30 days after its approval by the
3 City Council.

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

7
8 _____
9 President _____ of the City Council

10
11 Approved by me this ____ day of _____, 2014.

12
13 _____
14
15 City Clerk

16 (Seal)

17
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24 Exhibit A: Amended PUDA



Seattle City Council

Central Staff - Memorandum

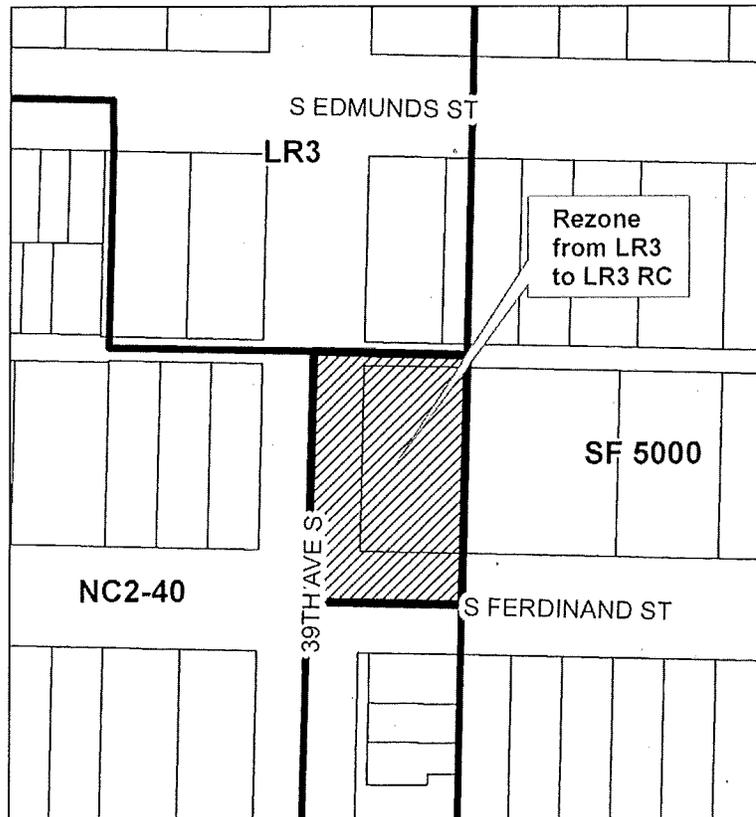
Date: February 16, 2016
To: Planning, Land Use and Zoning Committee
From: Eric McConaghy, Legislative Analyst
Subject: 3902 S. Ferdinand Street PUDA Amendment (CF 314316)

Summary

The proponents are requesting that Council approve the minor amendment of a Property Use and Development Agreement (PUDA) binding on the property addressed as 3902 S. Ferdinand Street in the Columbia City neighborhood of Seattle. The PUDA, Clerk File (CF) #311662, was required as a condition of a contract rezone from Lowrise 3 (LR3) to Lowrise 3 with a Residential-Commercial overlay zone (LR3-RC) for a portion of the property.

Council approved the contract rezone under Ordinance 123923 on July 23, 2012. The other portion of the property remained zoned as Single Family 5000 (SF 5000). The associated Master Use Permit (MUP #3008629) authorized the reuse of an existing structure, formerly a church, for a mixed use including residential and commercial spaces.

Before the approval of the contract rezone and PUDA, the project proposal was for the conversion of the church building (formerly Mission Baptist Church) to an 8-unit residential structure on the LR3 portion and with a bed and breakfast on the SF 5000 portion. The approval of the rezone and the PUDA made possible the revision of the project to include the bed and breakfast, as before, and a mixed use structure on the rezoned LR3-RC portion.



The ownership of the property has changed since the approval of the PUDA. The conditions of the PUDA run with the property and the current owner is requesting an amendment to the PUDA to allow for redevelopment of the property differently than called for in the conditions of the PUDA. The proposed amendment would not change the zoning of the property established by the contract rezone in July 2012.

Proposed PUDA Amendments

The Director recommends that the Council approve the proponent’s amendments to the PUDA to allow the following changes:

<i>Amended Condition</i>	<i>Original PUDA</i>	<i>Proposed Amendment</i>
parking	9 stalls provided; 8 stalls required	none
commercial units	3	2; less overall square footage
residential units	8 proposed; 8.25 allowed	14; no maximum under current code
exterior modifications to existing structure	multiple upper-level decks	convert one shed roof to rooftop plaza
	add west-facing dormer	no added dormers
	basement parking with required alley improvements	no parking provided; no alley improvements required

Some views of the project with the proposed changes are shown on Attachment A.

Minor PUDA Amendment

The Planning Director (Director) has determined that the requested amendment to the PUDA is minor per the criteria set forth in Seattle Municipal Code (SMC) 23.76.058. The determination that the amendment is minor is Type I land use decision and is non-appealable.

Council may “receive any additional advice that it deems necessary” to decide on the approval of minor PUDA amendments (SMC 23.76.058). This is different than the general requirement that Council decisions on quasi-judicial, Type IV land use decision must “be based on the record established by the Hearing Examiner.” (SMC 23.76.054).

Council’s decision regarding the approval of the PUDA amendment is a quasi-judicial, Type IV land use decision and must be approved by ordinance. A draft PUDA amendment and the draft ordinance approving it are attached to this memorandum.

Proposed schedule

February 19, 2016	Briefing, discussion, and possible vote
February 29, 2016	Introduction and referral of the ordinance with PUDA amendment
March 1, 2016	Potential: further discussion and possible vote
March 7, 2016	Full Council vote

Attachments

Attachment A: Views of proposed project
Attachment B: Draft PUDA amendment
Attachment C: Draft PUDA amendment ordinance