

ORDINANCE No. 111215

**103785**

COUNCIL BILL No. \_\_\_\_\_

AN ORDINANCE relating to land use and zoning; amending Plat 78E, Page 184 of the Official Land Use Map to rezone certain property on the west side of Eighth Avenue South at the south city limits from Single-Family Residence, High Density (CRS 5000) Zone to General Commercial (CG) Zone and accepting a Property Use and Development Agreement in connection therewith. (Petition of Western Tours, Inc., et al., CP 286603).

*Law Department*

*WJ*

**The City of Seattle--Legislative**

**REPORT OF COMMITTEE**

Honorable President:

Your Committee on Land Use

to which was referred the within Council Bill No. 103785 report that we have considered the same and respectfully recommend

DO PASS - September 13, 1983

REC'D OMB SEP 20 1983

Introduced: <b>JUL 25 1983</b>	By: <i>Kraabel</i>
Referred: <b>JUL 25 1983</b>	To: <i>Land Use</i>
Referred:	To:
Referred:	To:
Reported: <b>SEP 19 1983</b>	Second Reading: <b>SEP 19 1983</b>
Third Reading: <b>SEP 19 1983</b>	Signed: <b>SEP 19 1983</b>
Presented to Mayor: <b>SEP 20 1983</b>	Approved: <b>SEP 26 1983</b>
Returned to City Clerk: <b>SEP 26 1983</b>	Published:
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained: <b>OK</b>

*Paul Frankel*

Committee Chair

Law Department

# The City of Seattle--Legislative Department

Date Reported  
and Adopted

## REPORT OF COMMITTEE

Honorable President:

Your Committee on Land Use

to which was referred the within Council Bill No. 103785  
report that we have considered the same and respectfully recommend that the same:

DO PASS - September 13, 1983

REC'D GMB SEP 20 1983

SEP 19 1983

SEP 19 1983

SEP 26 1983

OK



Committee Chair

111315

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<input checked="" type="checkbox"/>	ENG	<input type="checkbox"/>	PARKS
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ORDINANCE 111315

AN ORDINANCE relating to land use and zoning; amending Plat 78E, Page 184 of the Official Land Use Map to rezone certain property on the west side of Eighth Avenue South at the south city limits from Single-Family Residence, High Density (CRS 5000) Zone to General Commercial (CG) Zone and accepting a Property Use and Development Agreement in connection therewith. (Petition of Western Tours, Inc., et al.; CF 286603).

WHEREAS, on June 12, 1978, Western Tours, Inc. and James Verde filed a petition to rezone an "L" shaped tract in Excelsior Acre Tracts from RS 5000 to IG to accommodate administrative offices and a storage facility for motor coaches on a portion of the property to be rezoned; and

WHEREAS, the petition was subsequently amended to rezone a portion of the property originally described from RS 5000 to IG to accommodate professional and/or business offices, warehouse, wholesale stores, wholesale offices, and certain light manufacturing uses within an enclosed building under specified conditions and design criteria; and

WHEREAS, on February 17, 1982, the Hearing Examiner recommended that Council action on the petition be delayed until final plans for a buffer along Eighth Avenue South could be reviewed, and that the petition should be denied if the buffer would make the site feasible for residential use, and otherwise it should be granted; and

WHEREAS, the petition was remanded to the Hearing Examiner by the City Council's Land Use Committee to obtain further information at a public hearing as to the description of the proposed street buffer, its funding and legal status, its potential effectiveness, other noise reduction measures, and whether a less intensive zoning classification with or without contract limitations would allow petitioners to carry out their plans; and

WHEREAS, following a public hearing on December 7, 1982, the Hearing Examiner concluded that the use of the site for housing was not feasible, that it was not reasonable to conclude that an effective acoustic buffer on Eighth Avenue South was likely to occur, that the petitioners could carry out their plans under CG zoning, and therefore stood by the previous recommendation to grant the petition, as amended; and

WHEREAS, the petitioners' project, when constructed, will serve as a noise buffer between the single family zone to the north and west of the site and the industrial uses to the east and south, and granting the petition should not be construed as a precedent for additional nonresidential zoning in the vicinity of the site; Now, Therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That Plat 78E, page 184 of the Official Land Use Map is amended to rezone from Single-Family Residence High Density (RS 5000) to General Commercial (CG), the following described real property:

Tracts 17 and 18, Excelsior Acre Tracts, (Vol. 8 of Plats, Page 93, Records of King County, Washington).

as shown on Exhibit "A," and the City Clerk is directed to place a copy of said Exhibit "A" in a volume entitled "Zoning Map Amendments," all as contemplated in CF 286603.

Section 2. That the Property Use and Development Agreement which was submitted to the City by the owners of the property described in Section 1. hereof, recorded in the records of the Director of Records and Elections of King County, and filed in C.F. 286603 by which said owners agree to certain restrictions upon the use and development of said property to ameliorate the adverse impact of uses and development otherwise permitted in the General Commercial (CG) Zone upon property and traffic in the vicinity is hereby accepted, and the City Clerk is hereby authorized and directed to deliver copies of the same to the Director of Construction and Land Use and the Community Development Director.

Section 3. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 19<sup>th</sup> day of September, 1983 and signed by me in open session in authentication of its passage this 19<sup>th</sup> day of September, 1983.

*Scottie Williams*  
President of the City Council.

Approved by me this 26<sup>th</sup> day of September, 1983.

*Charles Pope*  
Mayor.

Filed by me this 26<sup>th</sup> day of September, 1983.

*Jim Hill*

Attest: City Comptroller and City Clerk.

(SEAL)

Published.....

By *Theresa Dunbar*  
Deputy Clerk.

FILED for Record at Request of  
CITY OF SEATTLE  
912 MUNICIPAL BUILDING  
SEATTLE, WASHINGTON 98104

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ORIGINAL

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REC'D F 9.00  
CRSHSL \*\*\*\*9.00  
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PROPERTY USE AND DEVELOPMENT AGREEMENT

THIS INSTRUMENT, executed this date in favor of The City of Seattle, a municipal corporation (herein called "City"), by the undersigned owners of the within-described property (herein called "Owners"):

W I T N E S S E T H:

WHEREAS, Owners are persons owning a fee simple and/or having a substantial beneficial interest in the following described real property (herein called the "Property"):

Tracts 17 and 18, Excelsior Acre Tracts, (Vol. 8 of Plats, Page 93, Records of King County, Washington), except the east 34 feet of the south 50 feet of Tract 18.

Situate in The City of Seattle, King County, Washington; and

WHEREAS, a petition (C.F. 286603) was filed with the City to rezone the Property from Single Family Residence, High Density (RS 5000) Zone to General Industrial (IG) Zone pursuant to the provisions of the Land Use Code, which petition was subsequently amended to rezone the Property to IG to accommodate professional and/or business offices, warehouses, wholesale stores, wholesale offices, and certain light manufacturing uses within an enclosed building under specified conditions and design criteria; and the Land Use Committee recommended to the City Council that the Property be rezoned to the General Commercial (CG) Zone subject to the execution and recording of an agreement with the City pertaining to such uses and development of the Property in order to ameliorate the adverse impact of unrestricted use and development in a CG Zone;

NOW, THEREFORE, Owners hereby covenant, bargain and agree on behalf of themselves, their heirs, successors and assigns, that if the property is rezoned to the CG Zone;

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RECORDED THIS DAY  
AUG 12 3 46 PM '83  
KING COUNTY

8308121169

LIMITATION OF USES:

1. Principal uses within the site will be exclusively limited to the following:
  - a. Professional and/or business offices;
  - b. Warehouses, wholesale stores and/or wholesale offices;
  - c. The following Light Manufacturing uses, provided they are in a completely enclosed building or completely enclosed portion of a building:
    - manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs;
    - manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics and food products; except food products permitted in Sections 26.38.040, 26.38.050 or 26.38.060, or prohibited in Section 26.38.140 of the Seattle Municipal Code;
    - or other Light Manufacturing uses where processes and equipment employed and goods processed or sold do not involve extraordinary odor, dust, smoke, cinders, fumes, noise, vibrations, refuse matter or water-carried waste.
2. Commercial vehicle storage shall be prohibited on the site.
3. Outdoor storage of equipment, machinery, material and/or products shall be prohibited on the site.

8308121169

4. All uses permitted on the site shall be subject to the following conditions:

Processes and equipment employed and goods processed or sold shall be limited to those which do not produce extraordinary odor, dust, smoke, cinders, fumes, noise, vibration, refuse matter or water-carried waste.

TRAFFIC RESTRICTIONS:

5. Ingress and egress of all commercial traffic utilizing the site will be exclusively restricted to Eighth Avenue South, south of the northern boundary of the site. All commercial traffic utilizing the site will be strictly prohibited from traveling on Eighth Avenue South north of the northern boundary line of the site.
6. The ingress and egress lanes for commercial vehicles utilizing the site shall be located on Eighth Avenue South, at the southeast corner of the site. Said ingress and egress lanes shall be designed in such a manner as to preclude departing commercial vehicles from turning left on Eighth Avenue South; and shall also be designed to preclude commercial vehicles from entering the site by turning right from Eighth Avenue South. The angle of said ingress and egress lanes shall not exceed 45°.
7. Upon approval by the City of Seattle Engineering Department, the applicant will construct, or provide funds of up to \$5,000 to the City for the construction of a traffic diverter at the intersection of Eighth

Avenue South and South Director Street. The design of said diverter shall be approved by the Seattle Engineering Department.

8. Prominent signs will be posted at the entrance of the site, indicating the prohibition of commercial vehicle traffic north of the entrance on Eighth Avenue South.

EARTH BERM SCREENING AND LANDSCAPING:

9. The Owners will construct a continuous earth berm along the north and west property lines of the Property. The earth berm shall meet the following design requirements:
  - a. The height of the berm shall be 15 feet above the grade of Eighth Avenue South;
  - b. The width of the berm shall be not less than 35 feet along the north property line, and not less than 25 feet along the west property line;
  - c. The maximum slope of the earth berm shall be 22.5 degrees;
  - d. The earth berm shall be landscaped with evergreen ground cover vegetation and with broadleaf or coniferous evergreen trees. The evergreen landscaping shall serve as both erosion control and partial visual screening of the building and site;
  - e. The evergreen trees shall, at initial planting, be four to eight feet in height, and planted in a staggered fashion to produce 35 to 40% screening along the entire length of the berm. The ten year screening effect of said evergreen trees shall be 75%;

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- f. The owners of the subject site will maintain the earth berm and required landscaping in good condition so that the stated screening effect will be achieved.

DESIGN CRITERIA:

10. The proposed building shall be located generally in the western one-half of the Property and not closer than 25 feet from the west property line or 35 feet from the north and south property lines;
11. The building's height shall not exceed 24 feet above the grade of Eighth Avenue South;
12. The lot coverage of structures shall not exceed 35% of the area of the Property including any area acquired through right-of-way vacation at the southeast corner of the site;
13. Openings in the structure for the purposes of commercial vehicle loading and employee entry shall be located on the side of the building facing Eighth Avenue South.
14. Commercial vehicle loading operations shall not be closer to the north property line than 65 feet.
15. Outdoor lighting shall be designed and constructed in such a manner as to avoid falling on any adjacent residential areas.
16. The owners of the site will move the existing home on the site to another location in South Park; unless a moving contractor determines the home is not suitable for moving or a suitable site cannot be obtained within a reasonable time.

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Section 2. This Agreement shall be recorded in the records of King County and the covenants hereof shall be deemed to attach to and run with the Property and shall be binding upon the Owners, their heirs, successors and assigns, and shall apply to after-acquired title of the Owners of the Property.

Section 3. This Agreement may be amended or modified by agreement between the Owners and the City; provided such amended agreement 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 amendment to the Zoning Ordinance or Land Use Code as it may deem necessary in the public interest. Nothing in this Agreement is intended to authorize any use or dimension not otherwise permitted in the CG Zone.

Section 4. This Agreement is made for the benefit of the City and for the benefit of owners of property within 300 feet of the Property, and either the City or any such property owner may institute and prosecute any proceeding at law or in equity to enforce this Agreement.

Section 5. It is further expressly agreed that in the event any covenant or condition or restriction hereinabove contained or any portion thereof is invalid or void, such invalidity or voidness shall in no way affect any other covenant, condition, or restriction hereinabove contained.

WESTERN TOURS, INC.

Edward C. Cedergren  
EDWARD CEDERGREN  
President

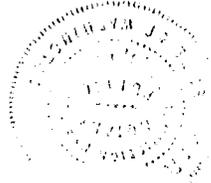
Inga Cedergren  
INGA CEDERGREN  
Secretary

James Verdi  
JAMES VERDI

Ruth J. Verdi  
RUTH J. VERDI

Owners

Karolyn F. Pifer  
August 10, 1983

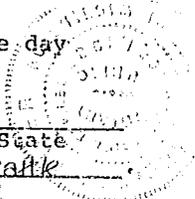


STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF KING )

On this 2nd day of August, 1983, before me personally appeared Edwin O. Cedergren and Inga Cedergren, to me known to be the President and Secretary of the corporation that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute said instrument and that the seal affixed is the corporate seal of said corporation.

In Witness Whereof I have hereunto set my hand the day and year first above written.

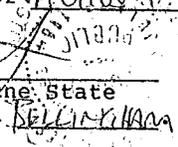
Karolyn F. Pifer  
Notary Public in and for the State  
of Washington, residing at Seattle



STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF KING )

On this day personally appeared before me JAMES VERDI AND RUTH J. VERDI to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that he signed the same as his free voluntary act and deed, for the uses and purposes therein mentioned. Given under my hand this 4 day of AUGUST, 1983.

[Signature]  
Notary Public in and for the State  
of Washington, residing at Bellevue



STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF KING )

On this \_\_\_ day of August, 1983, before me personally appeared Inga Cedergren, to me known to be the Secretary of the corporation that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that she was authorized to execute said instrument and that the seal affixed is the corporate seal of said corporation.

In Witness Whereof I have hereunto set my hand the day and year first above written.

Notary Public in and for the State  
of Washington, residing at \_\_\_\_\_

8308121169

**Seattle  
Engineering Department**

Charles Royer, Mayor

Room 910, Seattle Municipal Building, Seattle, Washington 98104



**Letter of Transmittal**

<b>TO:</b> Mr. Tim Hill, City Comptroller	<b>DATE:</b> August 23, 1983	<b>JOB NO.:</b> 8325
	<b>RE:</b> P.U.D.A. of Western Tours; CF 286603	
<b>ATTN:</b> Ms. Virginia Miller, Asst. City Clerk		

GENTLEMEN:

- WE ARE SENDING YOU  ATTACHED  UNDER SEPARATE COVER VIA \_\_\_\_\_ THE FOLLOWING ITEMS:
- SHOP DRAWINGS  PRINTS  REPRODUCIBLE PLANS  SPECIFICATIONS
- COPY OF LETTER  \_\_\_\_\_

Copies	Date	Number	DESCRIPTION AND REMARKS
1			K. C. Recording #8308121169 Property Use and Development Agreement
			Please file with C.F. 286603, which pertains to that certain real property located at Tracts 17 and 18, Excelsior Acre Tracts, in the City of Seattle.
			Please notify this office of the number assigned by noting same on the duplicate copy attached hereto. Room 912, Municipal Building; Mail Code 01-09-01

THESE ARE TRANSMITTED AS CHECKED BELOW:

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> FOR APPROVAL           | <input type="checkbox"/> APPROVED AS SUBMITTED    | <input type="checkbox"/> RESUBMIT _____ COPIES FOR APPROVAL   |
| <input type="checkbox"/> FOR YOUR USE           | <input type="checkbox"/> APPROVED AS NOTED        | <input type="checkbox"/> SUBMIT _____ COPIES FOR DISTRIBUTION |
| <input type="checkbox"/> AS REQUESTED           | <input type="checkbox"/> RETURNED FOR CORRECTIONS | <input type="checkbox"/> RETURN _____ CORRECTED PRINTS        |
| <input type="checkbox"/> FOR REVIEW AND COMMENT | <input checked="" type="checkbox"/> For Filing    | <input type="checkbox"/> PRINTS RETURNED AFTER LOAN TO US     |

COPIES TO:

Director, Const. & Land Use  
 Councilman Paul Kraabel ✓  
 Director, Dept. of Community Development

Signed *Steve Shanoff*  
 Title Title Examiner

ENG. FORM 710  
CS 7.267

IF ENCLOSURES ARE NOT AS NOTED, KINDLY NOTIFY US AT ONCE.

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ORDINANCE 111315

AN ORDINANCE relating to land use and zoning; amending Plat 78E, Page 184 of the Official Land Use Map to rezone certain property on the west side of Eighth Avenue South at the south city limits from Single-Family Residence, High Density (CRS 5000) Zone to General Commercial (CG) Zone and accepting a Property Use and Development Agreement in connection therewith. (Petition of Western Tours, Inc., et al., CF 286603).

WHEREAS, on June 12, 1978, Western Tours, Inc. and James Verde filed a petition to rezone an "L" shaped tract in Excelsior Acre Tracts from RS 5000 to IG to accommodate administrative offices and a storage facility for motor coaches on a portion of the property to be rezoned; and

WHEREAS, the petition was subsequently amended to rezone a portion of the property originally described from RS 5000 to IG to accommodate professional and/or business offices, warehouse, wholesale stores, wholesale offices, and certain light manufacturing uses within an enclosed building under specified conditions and design criteria; and

WHEREAS, on February 17, 1982, the Hearing Examiner recommended that Council action on the petition be delayed until final plans for a buffer along Eighth Avenue South could be reviewed, and that the petition should be denied if the buffer would make the site feasible for residential use, and otherwise it should be granted; and

WHEREAS, the petition was remanded to the Hearing Examiner by the City Council's Land Use Committee to obtain further information at a public hearing as to the description of the proposed street buffer, its funding and legal status, its potential effectiveness, other noise reduction measures, and whether a less intensive zoning classification with or without contract limitations would allow petitioners to carry out their plans; and

WHEREAS, following a public hearing on December 7, 1982, the Hearing Examiner concluded that the use of the site for housing was not feasible, that it was not reasonable to conclude that an effective acoustic buffer on Eighth Avenue South was likely to occur, that the petitioners could carry out their plans under CG zoning, and therefore stood by the previous recommendation to grant the petition, as amended; and

WHEREAS, the petitioners' project, when constructed, will serve as a noise buffer between the single family zone to the north and west of the site and the industrial uses to the east and south, and granting the petition should not be construed as a precedent for additional nonresidential zoning in the vicinity of the site; Now, Therefore,

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BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That Plat 78E, page 184 of the Official Land Use Map is amended to rezone from Single-Family Residence High Density (RS 5000) to General Commercial (CG), the following described real property:

Tracts 17 and 18, Excelsior Acre Tracts, (Vol. 8 of Plats, Page 93, Records of King County, Washington).

as shown on Exhibit "A," and the City Clerk is directed to place a copy of said Exhibit "A" in a volume entitled "Zoning Map Amendments," all as contemplated in CF 286603.

Section 2. That the Property Use and Development Agreement which was submitted to the City by the owners of the property described in Section 1 hereof, recorded in the records of the Director of Records and Elections of King County, and filed in C.F. 286603 by which said owners agree to certain restrictions upon the use and development of said property to ameliorate the adverse impact of uses and development otherwise permitted in the General Commercial (CG) Zone upon property and traffic in the vicinity is hereby accepted, and the City Clerk is hereby authorized and directed to deliver copies of the same to the Director of Construction and Land Use and the Community Development Director.

be used for all Ordinances except Emergency.)

8310250881

Section 3. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 19<sup>th</sup> day of September, 1983 and signed by me in open session in authentication of its passage this 19<sup>th</sup> day of September, 1983.

*Scott Williams*  
President of the City Council.

Approved by me this 26<sup>th</sup> day of September, 1983.

*Charles Roper*  
Mayor.

Filed by me this 26<sup>th</sup> day of September, 1983.

*Jim Hill*  
Attest: City Comptroller and City Clerk.

(SEAL)

Published

By *Theresa Dumbauld*  
Deputy Clerk.

**ORDINANCE 11331**  
AN ORDINANCE relating to land use and zoning; amending Plat 786, Page 184 of the Official Land Use Map to rezone certain property on the west side of Eighth Avenue South at the south city limits from Single-Family Residence, High Density (RS 5000) Zone to General Commercial (CG) Zone and accepting a Property Use and Development Agreement in connection therewith. (Petition of Western Tours, Inc., et al., CP 286603).

WHEREAS, on June 12, 1978, Western Tours, Inc. and James Verde filed a petition to rezone an "L" shaped tract in Excelsior Acre Tracts from RS 5000 to CG to accommodate administrative offices and a storage facility for motor coaches on a portion of the property to be rezoned; and

WHEREAS, the petition was subsequently amended to rezone a portion of the property originally described from RS 5000 to CG to accommodate professional and/or business offices, warehouse, wholesale stores, wholesale offices, and certain light manufacturing uses within an enclosed building under specified conditions and design criteria; and

WHEREAS, on February 17, 1982, the Hearing Examiner recommended that Council action on the petition be delayed until final plans for a buffer along Eighth Avenue South could be reviewed, and that the petition should be denied if the buffer would make the site feasible for residential use, and otherwise it should be granted; and

WHEREAS, the petition was remanded to the Hearing Examiner by the City Council's Land Use Committee to obtain further information at a public hearing as to the description of the proposed street buffer, the finding of legal status, its potential effectiveness, other noise reduction measures, and whether a less intensive zoning classification with or without certain limitations would allow petitioners to carry out their plans; and

WHEREAS, following a public hearing on December 7, 1982, the Hearing Examiner concluded that the use of the site for housing was not feasible, that it was not reasonable to conclude that an effective acoustic buffer on Eighth Avenue South was likely to occur, that the petitioners could carry out their plans under CG zoning, and therefore, stand by the previous recommendation to grant the petition, as amended; and

WHEREAS, the petitioners' project, when constructed, will serve as a noise buffer between the single family zone to the north and west of the site and the industrial uses to the east and south, and granting the petition should not be construed as a precedent for additional nonresidential zoning in the vicinity of the site; Now, Therefore,

BE IT OBTAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That Plat 786, page 184 of the Official Land Use Map is amended to rezone from Single-Family Residence High Density (RS 5000) to General Commercial (CG), the following described real property:

Tracts 17 and 18, Excelsior Acre Tracts, (Vol. 8 of Plats, Page 83, Records of King County, Washington).

as shown on Exhibit "A," and the City Clerk is directed to place a copy of said Exhibit "A" in a volume entitled "Zoning Map Amendments," all as contemplated in CP 286603.

Section 2. That the Property Use and Development Agreement which was submitted to the City by the owners of the property described in Section 1 hereof, recorded in the records of the Director of Records and Elections of King County, and filed in C.F. 286603 by which said owners agree to certain restrictions upon the use and development of said property to accelerate the adverse impact of use and development otherwise permitted in the General Commercial (CG) Zone upon property and traffic in the vicinity is hereby accepted, and the City Clerk is hereby authorized and directed to deliver copies of the same to the Director of Construction and Land Use and the Community Development Director.

Section 3. The ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 17th day of September, 1982, and signed by me in open session in authentication of its passage on the 19th day of September, 1982.

Approved by me this 26th day of September, 1982.

Filed by me this 26th day of September, 1982.

Attest: City Comptroller and City Clerk.

(SEAL) Deputy Clerk.

Publication ordered by TIM HILL, Comptroller and City Clerk. Date of Official Publication in the Daily Journal of Commerce, Seattle, October 1, 1982.

**PROPERTY USE AND DEVELOPMENT AGREEMENT**  
THIS INSTRUMENT, executed this date in favor of the City of Seattle, a municipal corporation (herein called "City"), by the undersigned owners of the within-described property (herein called "Owners"):

WITNESSETH:  
WHEREAS, Owners are persons owning a fee simple and/or having a substantial beneficial interest in the following described real property (herein called the "Property"):

Tracts 17 and 18, Excelsior Acre Tracts, (Vol. 8 of Plats, Page 83, Records of King County, Washington), except the east 34 feet of the south 50 feet of Tract 18.

Situate in The City of Seattle, King County, Washington; and

WHEREAS, a petition (C.F. 286603) was filed with the City to rezone the Property from Single Family Residence, High Density (RS 5000) Zone to General Commercial (CG) Zone pursuant to the provisions of the Land Use Code, which petition was subsequently amended to rezone the Property to CG to accommodate professional and/or business offices, warehouses, wholesale stores, wholesale offices, and certain light manufacturing uses within an enclosed building under specified conditions and design criteria; and the Land Use Committee recommended to the City Council that the Property be rezoned to the General Commercial (CG) Zone subject to the execution and recording of an agreement with the City pertaining to such uses and development of the Property in order to ameliorate the adverse impact of unrestricted use and development in a CG Zone;

NOW, THEREFORE, Owners hereby covenant, bargain and agree on behalf of themselves, their heirs, successors and assigns, that if the Property is rezoned to the CG Zone;

**LIMITATION OF USES:**

1. Principal uses within the site shall be exclusively limited to the following:
  - a. Professional and/or business offices;
  - b. Warehouses, wholesale stores and/or wholesale offices;
  - c. The following Light Manufacturing uses, provided they are in a completely enclosed building or completely enclosed portion of a building:
    - manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs;
    - manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics and food products; except food products permitted in Sections 26.38.040, 26.38.050 or 26.38.060, or prohibited in Section 26.38.140 of the

**Seattle Municipal Code:**

- or other Light Manufacturing uses where processes and equipment employed and goods processed or sold do not involve extraordinary odor, dust, smoke, cinders, fumes, noise, vibrations, refuse matter or water-carried waste.

2. Commercial vehicle storage shall be prohibited on the site.
3. Outdoor storage of equipment, machinery, material and/or products shall be prohibited on the site.
4. All uses permitted on the site shall be subject to the following conditions:

Processes and equipment employed and goods processed or sold shall be limited to those which do not produce extraordinary odor, dust, smoke, cinders, fumes, noise, vibration, refuse matter or water-carried waste.

**TRAFFIC RESTRICTIONS:**

5. Ingress and egress of all commercial traffic utilizing the site will be exclusively restricted to Eighth Avenue South, south of the northern boundary of the site. All commercial traffic utilizing the site will be strictly prohibited from traveling on Eighth Avenue South north of the northern boundary line of the site.
6. The ingress and egress lanes for commercial vehicles utilizing the site shall be located on Eighth Avenue South, at the southeast corner of the site. said ingress and egress lanes shall be designed in such a manner as to preclude departing commercial vehicles from turning left on Eighth Avenue South, and shall also be designed to preclude commercial vehicles from entering the site by turning right from Eighth

Avenue South. The angle of said ingress and egress lanes shall not exceed 45".

7. Upon approval by the City of Seattle Engineering Department, the applicant will construct, or provide funds of up to \$5,000 to the City for the construction of a traffic diverter at the intersection of Eighth Avenue South and South Director Street. The design of said diverter shall be approved by the Seattle Engineering Department.

8. Prominent signs will be posted at the entrance of the site, indicating the prohibition of commercial vehicle traffic north of the entrance on Eighth Avenue South.

**EARTH BERM SCREENING AND LANDSCAPING:**

9. The Owners will construct a continuous earth berm along the north and west property lines of the Property. The earth berm shall meet the following design requirements:

a. The height of the berm shall be 15 feet above the grade of Eighth Avenue South;

b. The width of the berm shall be not less than 35 feet along the north property line, and not less than 25 feet along the west property line;

c. The maximum slope of the earth berm shall be 22.5 degrees;

d. The earth berm shall be landscaped with evergreen ground cover vegetation and with broadleaf or coniferous evergreen trees. The evergreen landscaping shall serve as both erosion control and partial visual screening of the building and site;

e. The evergreen trees shall, at initial planting, be four to eight feet in height, and planted in a staggered fashion to produce 35 to 40% screening along the entire length of the berm. The ten year screening effect of said evergreen trees shall be 75%;

f. The owners of the subject site will maintain the earth berm and required landscaping in good condition so that the stated screening effect will be achieved.

**DESIGN CRITERIA:**

10. The proposed building shall be located generally in the western one-half of the Property and not closer than 25 feet from the west property line or 35 feet from the north and south property lines;

11. The building's height shall not exceed 24 feet above the grade of Eighth Avenue South;

12. The lot coverage of structures shall not exceed 35% of the area of the Property including any area acquired through right-of-way vacation at the southeast corner of the site;

13. Openings in the structure for the purposes of commercial vehicle loading and employee entry shall be located on the side of the building facing Eighth Avenue South.

14. Commercial vehicle loading operations shall not be closer to the north property line than 65 feet.

15. Outdoor lighting shall be designed and constructed in such a manner as to avoid falling on any adjacent residential areas.

16. The owners of the site will move the existing home on the site to another location in South Park; unless a moving contractor determines the home is not suitable for moving or a suitable site cannot be obtained within a reasonable time.

Section 2. This Agreement shall be recorded in the records of King County and the covenants hereof shall be deemed to attach to and run with the Property and shall be binding upon the Owners, their heirs, successors and assigns, and shall apply to after-acquired title of the Owners of the Property.

Section 3. This Agreement may be amended or modified by agreement between the Owners and the City; provided such amended agreement 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 amendment to the Zoning Ordinance or Land Use Code as it may deem necessary in the public interest. Nothing in this Agreement is intended to authorize any use or disamenation not otherwise permitted in the CG Zone.

Section 4. This Agreement is made for the benefit of the City and for the benefit of owners of property within 300 feet of the Property, and either the City or any such property owner may institute and prosecute any proceeding at law or in equity to enforce this Agreement.

Section 5. It is further expressly agreed that in the event any covenant or condition or restriction hereinabove contained or any portion thereof is invalid or void, such invalidity or voidness shall in no way affect any other covenant, condition, or restriction hereinabove contained.

WESTERN TOURS, INC.  
 EDWIN O. CEDERGREN  
 President  
 Inga Cedergren  
 Secretary

James Verdi  
 Notary Public  
 Ruth J. Vesil  
 Owners

STATE OF WASHINGTON ) ss.  
 COUNTY OF KING )

On this 2nd day of August, 1983, before me personally appeared Edwin O. Cedergren and Inga Cedergren, to me known to be the President and Secretary of the corporation that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute said instrument and that the seal affixed is the corporate seal of said corporation.

In Witness Whereof I have hereunto set my hand the day and year first above written.

KAROLYN F. PIFER  
 Notary Public in and for the State of Washington, residing at Seattle

STATE OF WASHINGTON ) ss.  
 COUNTY OF KING )

On this day personally appeared before me James Verdi, described in and who executed the within and foregoing instrument, and acknowledged that he signed the same as his free voluntary act and deed, for the uses and purposes therein mentioned. Given under my hand this 11th day of August, 1983.

Notary Public in and for the State of Washington, residing at Seattle

STATE OF WASHINGTON, County of King--ss.  
 On this 2nd day of August, 1983, before me personally appeared Edwin O. Cedergren and Inga Cedergren, to me known to be the President and Secretary of the corporation that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute said instrument and that the seal affixed is the corporate seal of said corporation.

In Witness Whereof I have hereunto set my hand the day and year first above written.

(SEAL) KAROLYN F. PIFER, Notary Public in and for the State of Washington residing at Seattle.  
 STATE OF WASHINGTON, County of King--ss.  
 On this day personally appeared before me James Verdi and Ruth J. Vesil, to me known to be the individuals described in and who executed the within and foregoing instrument, and acknowledged that they signed the same as their free voluntary act and deed, for the uses and purposes therein mentioned. Given under my hand this 11th day of August, 1983.  
 (SEAL) LAWRENCE A. WEST, Notary Public in and for the State of Washington, residing at Bellingham. (C-429)

C-429

**Affidavit of Publication**

**STATE OF WASHINGTON  
KING COUNTY—SS.**

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

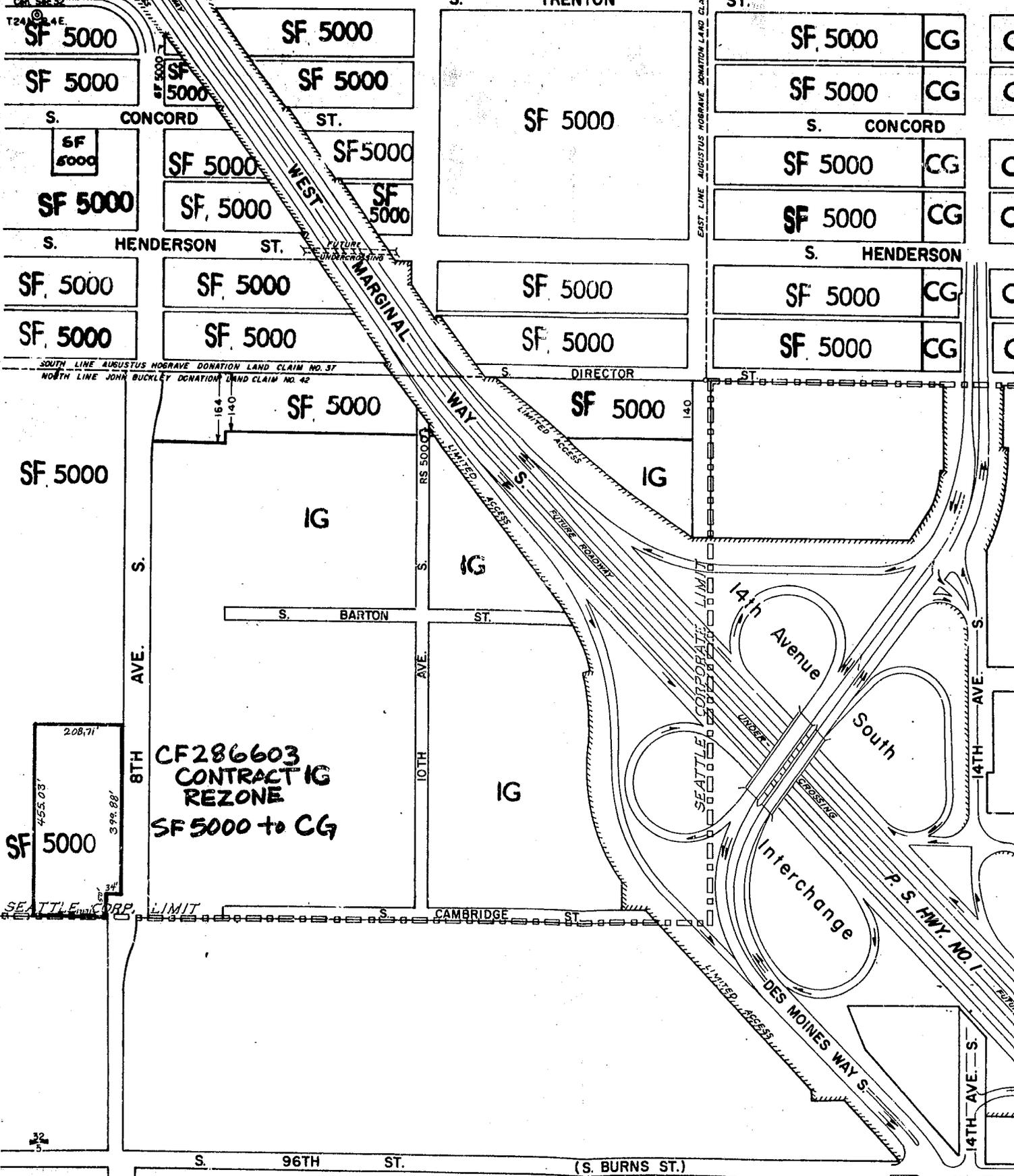
.....  
Ordinance No. 111315  
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was published on October 1, 1983  
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*B. Blair*  
.....  
Subscribed and sworn to before me on  
October 1, 1983  
.....

*[Signature]*  
.....  
Notary Public for the State of Washington,  
residing in Seattle.





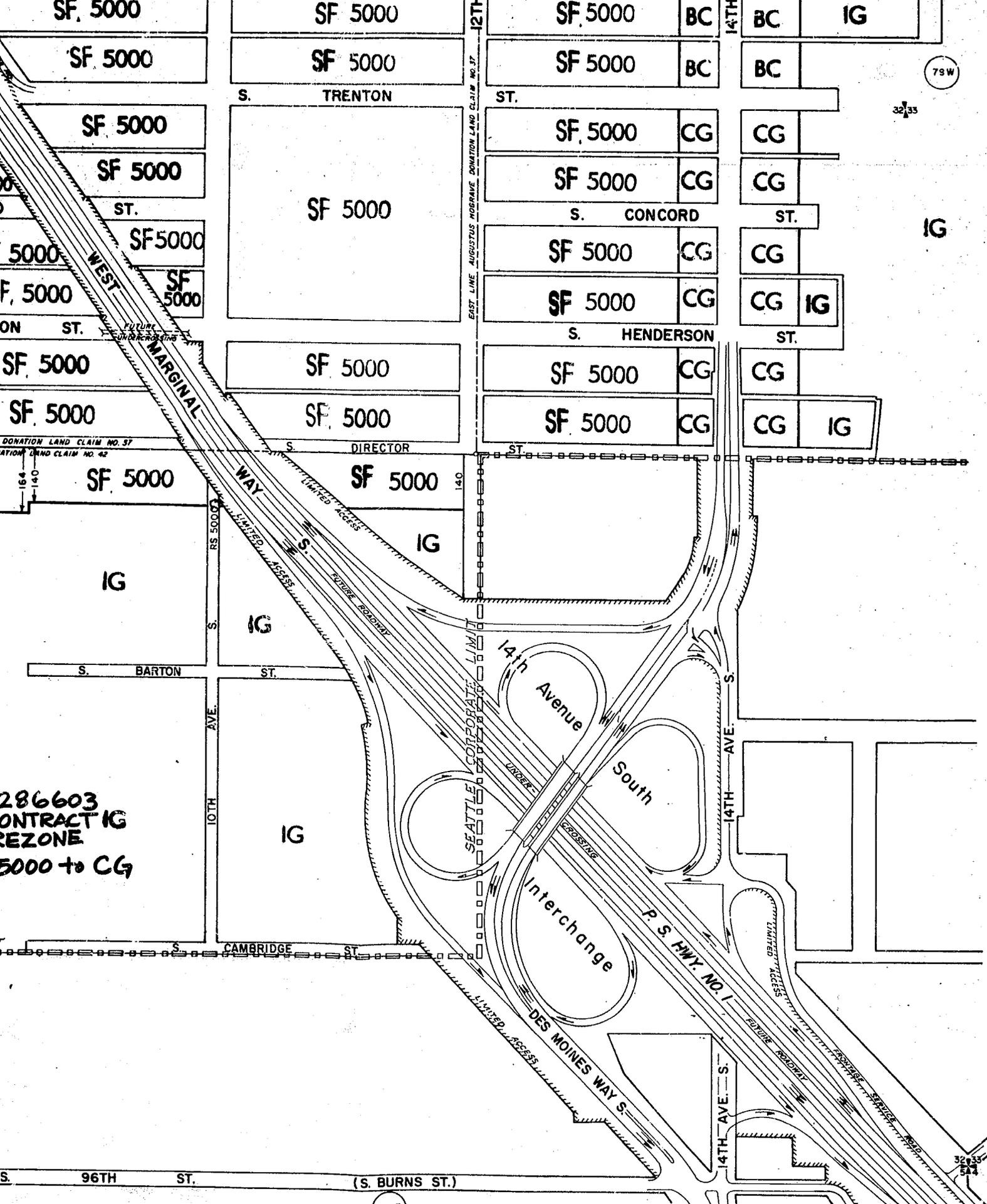
**CF286603**  
**CONTRACT IG**  
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**SF 5000 to CG**

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SCALE: 1 INCH = 20'





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SCALE: 1 INCH = 200 FEET

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