

21* ORDINANCE No. 113709

20* COUNCIL BILL No. 106430

AN ORDINANCE relating to Land Use and Zoning; amending Plat 15 W, Page 61 of the official Land Use Map to rezone property located at 2315 Northeast 65th Street from Lowrise 2 (L-2) to Neighborhood Commercial 2/40' height limit (NC2/40') Zone and accepting a Property Use and Development Agreement in connection therewith. (Petition of Seattle Education Auxillary; C.F. 295179.)

The City of

Honorable President:

Your Committee on Urban P...

to which was referred the within Cou... report that we have considered the a...

9/30/87 Do Pass as a...

Record be so

Vote

COMPTROLLER FILE No.

Introduced: SEP 28 1987	By: <u>Edward Orban Redina, Chairman</u>
Referred: SEP 28 1987	To: <u>Urban Redevelopment</u>
Referred:	To:
Referred:	To:
Reported: OCT 26 1987	Second Reading: OCT 26 1987
Third Reading: OCT 26 1987	Signed: OCT 26 1987
Presented to Mayor: OCT 27 1987	Approved: NOV 4 1987
Returned to City Clerk: NOV 4 1987	Published:
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

OK

Legis Department

The City of Seattle--Legislative Department

Date Reported
and Adopted

REPORT OF COMMITTEE

President:

Committee on Urban Redevelopment

was referred the within Council Bill No. 106430

we have considered the same and respectfully recommend that the same:

Do Pass as amended (20, 21, 22) and Parties of

Record be so notified

Vote 7-0



Committee Chair

#2
C.B. 106430

ORDINANCE 113709

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2
3 AN ORDINANCE relating to Land Use and Zoning; amending Plat
4 15 W, Page 61 of the official Land Use Map to rezone
5 property located at 2315 Northeast 65th Street from
6 Lowrise 2 (L-2) to Neighborhood Commercial 2/40' height
7 limit (NC2/40') Zone and accepting a Property Use and
8 Development Agreement in connection therewith. (Petition
9 of Seattle Education Auxillary; C.F. 295179.)

10
11 Section 1. That Plat 15W, Page 61 of the Official Land Use
12 Map adopted by Ordinance 110669 is amended to rezone from Low-
13 rise 2 (L-2) to Neighborhood Commercial 2/40' height limit
14 (NC2/40') Zone the following property:

15
16 That portion of Tract 14, Ravenna Springs Park,
17 according to the plat thereof recorded in Volume
18 2 of Plats, page 87, in King County, Washington,
19 described as follows:

20
21 Beginning at a point on the north line of said
22 Tract 14, 384 feet east of the center line of
23 Ravenna Avenue;
24 thence east along said north line 276 feet, more
25 or less, to the east line of said Tract 14;
26 thence south along said east line of Tract 14
27 90 feet; thence westerly along a line parallel
28 to N.E. 65th Street 276 feet, more or less;
thence north along a line parallel to the east
line of Tract 14, 90 feet to the point of
beginning.

as shown in "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 C.F. 295179.

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. 295179 by which said owners agree to certain restrictions
upon the property to mitigate the adverse impact of uses and
development otherwise permitted in the Neighborhood Commercial
2/40' height limit (NC2/40') Zone upon property in the vicinity
is hereby accepted. The City Clerk is hereby authorized and

(To be used for all Ordinances except Emergency.)

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 26th day of October, 1987, and signed by me in open session in authentication of its passage this 26th day of October, 1987.

Virginia Galle
President of the City Council.

Approved by me this 4th day of November, 1987.

Charles Roper
Mayor.

Filed by me this 4th day of November, 1987.

Attest: *Norward J. Brooks*
City Comptroller and City Clerk.

(SEAL)

Published _____

By *Theresa Dunbar*
Deputy Clerk.

PUBLISH DO NOT PUBLISH

CITY ATTORNEY _____

#2
C.B. 106430
MAY 30 9 34 AM '88
THE DIVISION OF
RECORDS & ELECTIONS
KING COUNTY

RECEIVED THIS DAY

ORDINANCE 113709

AN ORDINANCE relating to Land Use and Zoning; amending Plat 15 W, Page 61 of the official Land Use Map to rezone property located at 2315 Northeast 65th Street from Lowrise 2 (L-2) to Neighborhood Commercial 2/40' height limit (NC2/40') Zone and accepting a Property Use and Development Agreement in connection therewith. (Petition of Seattle Education Auxillary; C.F. 295179.)

Section 1. That Plat 15W, Page 61 of the Official Land Use Map adopted by Ordinance 110669 is amended to rezone from Lowrise 2 (L-2) to Neighborhood Commercial 2/40' height limit (NC2/40') Zone the following property:

That portion of Tract 14, Ravenna Springs Park, according to the plat thereof recorded in Volume 2 of Plats, page 87, in King County, Washington, described as follows:

Beginning at a point on the north line of said Tract 14, 384 feet east of the center line of Ravenna Avenue;
thence east along said north line 276 feet, more or less, to the east line of said Tract 14;
thence south along said east line of Tract 14 90 feet; thence westerly along a line parallel to N.E. 65th Street 276 feet, more or less;
thence north along a line parallel to the east line of Tract 14, 90 feet to the point of beginning.

as shown in "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 C.F. 295179.

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. 295179 by which said owners agree to certain restrictions upon the property to mitigate the adverse impact of uses and development otherwise permitted in the Neighborhood Commercial 2/40' height limit (NC2/40') Zone upon property in the vicinity is hereby accepted. The City Clerk is hereby authorized and

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(To be used for all Ordinances except Emergency.)

directed to deliver copies of the same to the Director of Construction and Land Use and the Community Development Director.

STATE OF WASHINGTON)
COUNTY OF KING) SS
CITY OF SEATTLE)

I, NORWARD J. BROOKS, Comptroller and City Clerk of the City of Seattle, do hereby certify that the within and foregoing is a true and correct copy of the original instrument as the same appears on file, and of record in this department.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of The City of Seattle, this 25th day of March 1988

NORWARD J. BROOKS
Comptroller and City Clerk

By: *Theresa Dunbar*
Deputy Clerk

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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 26th day of October, 1987
and signed by me in open session in authentication of its passage this 26 day of October, 1987

Virginia Galle
President PFO TCM of the City Council.

Approved by me this 4th day of November, 1987

Charles Royce
Mayor.

Filed by me this 4th day of November, 1987

Attest: *Norward J. Brooks*
City Comptroller and City Clerk.

(SEAL)

Published.....

By: *Theresa Dunbar*
Deputy Clerk.

88/02/04

#0335 B

RECD F

9.00

CASHSL

****9.00

11

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 property, labeled Tract A and B (herein called the "Property"):

That portion of Tract 14, Ravenna Springs Park, according to the plat thereof recorded in Volume 2 of Plats, page 87, in King County, Washington, described as follows:

Beginning at a point on the north line of said Tract 14, 384 feet east of the center line of Ravenna Avenue; thence east along said north line 276 feet, more or less, to the east line of said Tract 14; thence south along said east line of Tract 14 90 feet; thence westerly along a line parallel to N.E. 65th Street 276 feet, more or less; thence north along a line parallel to the east line of Tract 14, 90 feet to the point of beginning. Less the south 10 feet of the west 60 feet thereof.

WHEREAS, the Owners have filed a petition (C.F. 295179) with the City to rezone the Property from Lowrise 2 (L-2) to Neighborhood Commercial 2/40' height limit (NC2/40') Zone pursuant to the provisions of the Land Use Code; and

WHEREAS, the Hearing Examiner recommended approval of the petition subject to certain conditions relating to setbacks, access, on and off-site parking, landscaping, screening, height and use of the Property in order to mitigate the adverse impact of unrestricted use and development of property in a NC2/40' height limit Zone;

**FILED FOR RECORD AT REQUEST OF
CITY OF SEATTLE
OFFICE FOR PLANNING
650 DEXTER HORTON BLDG.
710 - SECOND AVENUE
SEATTLE, WASHINGTON 98104**

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NOW, THEREFORE, the Owners hereby covenant, bargain and agree on behalf of themselves and their heirs, successors and assigns that they will comply with the following conditions if the Property is rezoned to a NC2/40' height limit Zone:

Section 1. Development of the Property shall be accomplished in accordance with the following conditions relating to setbacks, access, on and off-site parking, landscaping, screening and height:

A. Setbacks. The east and west setbacks on the Property shall be not less than 10 feet.

B. Access and Parking

1. Access to the Property from 24th Avenue Northeast shall be prohibited, except for emergency vehicles (e.g., fire, ambulance).
2. Parking shall be prohibited for the proposed improvement on the south side of the existing Ida Culver House.
3. Owner will provide long-term, off-site parking for lessees of commercial space and their staff, provided this requirement may be waived by the Director of Construction and Land Use if s/he finds that such additional parking is not necessary or appropriate given the number of spaces involved and the availability of on-site parking.

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C. Landscaping

1. The east and west setbacks shall be landscaped with an evergreen buffer.
2. All on-site parking shall be screened at the street lot line with a lattice facade 3-4 inches thick, with a maximum opening of six inches, planted with screening vegetation.

- D. Height. The proposed structure to be built on the Property shall not exceed 30 feet in height, plus an additional 5 feet for the roof.

Section 2. The following restrictions on the use of the structure to be built on the Property shall be permanent for the life of the project:

- A. Residential Uses. The proposed residential dwelling units shall be limited to retired persons, and shall be maintained as a group home.
- B. Commercial Uses. Commercial uses on the Property shall not exceed a total of 5,000 square feet in area and shall be limited to personal and household retail sales and services (except major durables), medical services and restaurants, with or without cocktail lounges, as defined in the Land Use Code. The location of commercial uses shall be as shown on the revised site plan dated June 12, 1987 and filed in C.F. 295179.

Section 3. This Property Use and Development Agreement (hereafter "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 apply to afteracquired

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title of the Owners of the Property; provided that the covenants hereof shall expire and be of no force and effect two years from the effective date of the approval of this rezone if the Owners fail to satisfy the requirement of Section 23.76.060 of the Seattle Municipal Code.

Section 4. 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 an NC2/40' height limit Zone.

Section 5. This Agreement is made for the benefit of the City and for the benefit of owners of the 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 6. It is further expressly agreed that in the event 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.

DATED this 28th day of October, 1987.

OWNER:

SEATTLE EDUCATION AUXILLIARY

By Peter Neuschwander

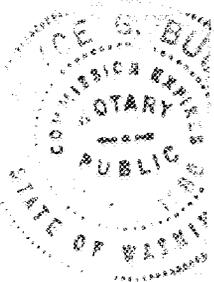
STATE OF WASHINGTON))
) ss.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that Arthur Neuschwander signed this instrument, on oath stated that he/she was authorized to execute the instrument and acknowledged it as the President of SEATTLE EDUCATION AUXILLIARY to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: Oct. 28, 1987

James J. Beech
NOTARY PUBLIC in and for the State of
Washington, residing at Seattle.
My appointment expires 7/88.

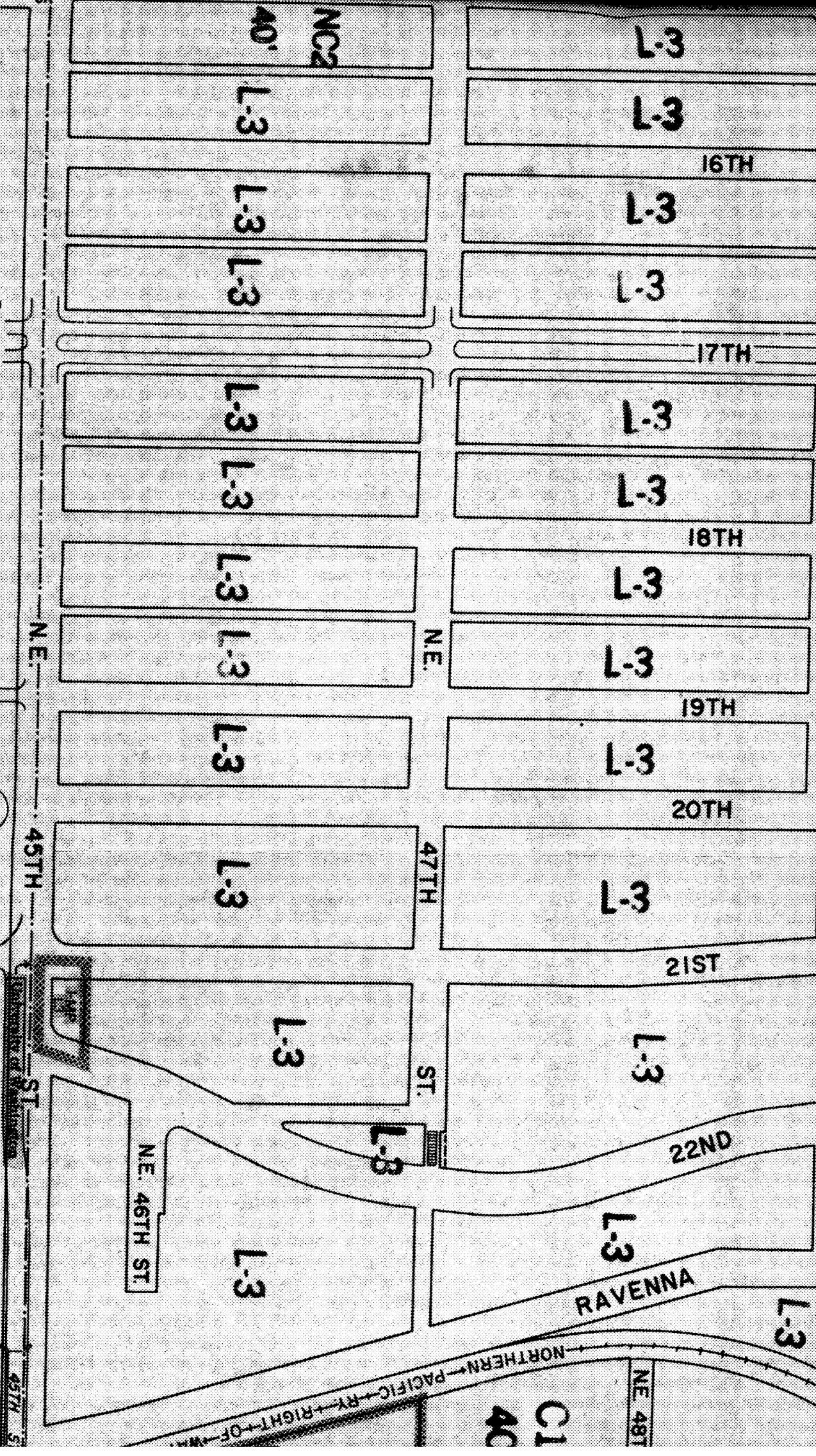
8802040335



F. 295179 REZONE L-2 to 61 NC2/40 CONTRACT

SCALE: 1 INCH = 200 FEET

ORD 113709



CITY COUNCIL TRANSMITTAL

TO: * Louis Janselli, City Attorney

FROM: Paul Kraussel, Chair
Urban Redevelopment Committee

C. F. # 295130

Date Sent: 7/23/07

Reply Requested By: ASMR

Subject:

Petition of Seattle Education Aux to Rezone approximately 26,000 sq ft of land from L-2.100 M-2 AORT at 2315 Northeast 65th Street

ACTION — required

	Review and Return File With Your Answer to Sender	
	Review and Answer Petitioner, Return File and Copy of Answer to Sender	
	Review and Make Recommendations, Return File and Recommendations to Sender () In Duplicate	
XXX	Prepare Legislation and Return File to Sender	

Additional Information: _____

Affidavit of Publication

City of Seattle

ORDINANCE 113709

AN ORDINANCE relating to Land Use and Zoning, amending Plat 15W, Page 61 of the Official Land Use Map to rezone property located at 2315 Northeast 63th Street from Lowrise 2 (L-2) to Neighborhood Commercial 2/40' height limit (NC2/40') Zone and accepting a Property Use and Development Agreement in connection therewith. (Petition of Seattle Education Auxiliary, C. F. 295179.)

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That Plat 15W, Page 61 of the Official Land Use Map adopted by Ordinance 113669 is amended to rezone from Lowrise 2 (L-2) to Neighborhood Commercial 2/40' height limit (NC2/40') Zone the following property:

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as shown in "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 C. F. 295179.

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. 295179 by which said owners agree to certain restrictions upon the property to mitigate the adverse impact of uses and development otherwise permitted in the Neighborhood Commercial 2/40' height limit (NC2/40') Zone upon property in the vicinity is hereby accepted. 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 26th day of October, 1987, and signed by me in open session in authentication of its passage this 26th day of October, 1987.

VIRGINIA GALLE,
President Pro Tem of the City Council.

Approved by me this 3th day of November, 1987.

CHARLES ROYER,
Mayor.

Filed by me this 3th day of November, 1987.

Attest: NORWARD J. BROOKS,
City Comptroller and City Clerk.

(Seal) By THERESA DUNBAR,
Deputy Clerk.

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. 113709

was published on November 10, 1987

R. Spaulding
Subscribed and sworn to before me on
November 10, 1987

Richard G. Jones
Notary Public for the State of Washington,
residing in Seattle.