

Ordinance No. 119804

Council Bill No. 112991

The City of Seattle Council Bill/Ordinance

Relating to land use and zoning, amending Plat 45E, page 119 of the Official Land Use Map to rezone property located in the vicinity of 2611 South Dearborn Street from Lowrise 2 and Lowrise Duplex/Triplex to Lowrise 3; and accepting a Property Use and Development Agreement in connection therewith, to implement the Central Area Neighborhood Plan.

CF No. _____

Date Introduced:	<u>11-1-99</u>	
Date 1st Referred:	<u>11-1-99</u>	
Date Re - Referred:	To: (committee) <u>Busn., Econ Dev. & Community Develop.</u>	
Date Re - Referred:	To: (committee)	
Date of Final Passage:	Full Council Vote: <u>9-0</u>	
Date Presented to Mayor:	Date Approved: <u>12/21/99</u>	
Date Returned to City Clerk:	Date Published: <u>3/1/00</u>	T.O. <input checked="" type="checkbox"/> F.T. <input checked="" type="checkbox"/>
Date Vetoed by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

11-12-99 Roll A
12-6-99 Roll
12-13-99 Roll C

This file is complete and ready

Law Dept. Review

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: Dray

Councilmember

(2)

Committee Action:

11-12-99 Pass As Amended 4-0 TO PS, RM, TC

12-6-99 Full Council: ~~Pass~~ Hold 1 week 9-0

12-13-99 Full Council: Pass As Amended (2) 9-0

This file is complete and ready for presentation to Full Council. Committee: _____

(initial/date)

Law Dept. Review

OMP
Review

City Clerk
Review

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Indexed

ORDINANCE 119804

1
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4 AN ORDINANCE relating to land use and zoning, amending Plat 45E, page 119 of the
5 Official Land Use Map to rezone property located in the vicinity of 2611 South Dearborn
6 Street from Lowrise 2 and Lowrise Duplex/Triplex to Lowrise 3; and accepting a Property
7 Use and Development Agreement in connection therewith, to implement the Central Area
8 Neighborhood Plan.

9
10
11 WHEREAS, by Ordinance 119216 the City Council amended the City of Seattle
12 Comprehensive Plan to adopt portions of the Central Area Neighborhood Plan; and

13
14 WHEREAS, the Central Area Neighborhood Plan identified the property which is the
15 subject of this ordinance as a possible site for rezoning; and

16
17 WHEREAS, the City of Seattle is the fee owner of two lots subject to this ordinance; and

18
19 WHEREAS, the Council has now considered the recommendation contained in the Plan and
20 determined that the property should be rezoned, subject to conditions;

21
22
23 **NOW THEREFORE,**

24
25 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

26
27 **Section 1.** This Ordinance rezones the following property (the "Property"):

28
29 Lots 1 and 2 and the west 100 feet of Lots 3,4,5 and 6, Block 3, Charles Addition to
30 the City of Seattle, according to the plat thereof recorded in Volume 2 of Plats, page
31 131, in King County, Washington.

32 Except that portion of Lot 1 conveyed to the City of Seattle for Street purposes by
33 deed recorded under recording number 8910030346.

34 and

35
36 The South 1 foot of Lot 5 and Lots 6 through 12, inclusive, Block 3 Hick's Addition
37 to the City of Seattle, according to the plat thereof recorded in Volume 2 of Plats,
38 page 69, in King County, Washington.

39
40
41 **Section 2.** Subject to the conditions contained in this ordinance, the Official Land
42 Use Map zone classification for the Property, as last amended by Ordinance 115606 and
43 established on Plat 45E, page 119 of the Official Land Use Map, is hereby amended to
44 rezone the Property from Lowrise 2 (L2) and Lowrise Duplex/Triplex (LDT), to Lowrise 3
45 (L3) as shown in "Exhibit A," attached to this Ordinance.



1 **Section 3.** A Property Use and Development Agreement ("PUDA") by which
2 Andrew Branch, owner of a portion of the Property, agrees to certain restrictions upon the
3 Property, is hereby accepted and attached to this Ordinance as "Exhibit B."
4

5 **Section 4.** Until Lots 3 and 5 of Block 3, Charles Addition to the City of Seattle,
6 become subject to the PUDA as provided by section 7 of the PUDA, use or development of
7 those lots shall comply with the requirements of the Lowrise Duplex/Triplex zone.
8

9 **Section 5.** The City Clerk is hereby authorized and directed to file a copy of said
10 Property Use and Development Agreement and of this Ordinance at the King County
11 Records and Elections Division, to file the original of the Property Use and Development
12 Agreement with this Ordinance at the City Clerk's Office, and to deliver copies of the same
13 to the Director of the Department of Design, Construction and Land Use and to the King
14 County Assessor's Office.
15

16 **Section 6.** Pursuant to SMC 23.76.060 (B) (1) (b), this rezone will terminate
17 January 1, 2003, unless by that date an application has been filed for a Master Use Permit
18 ("MUP") for development of the Property. In the event a MUP is not issued, or expires
19 pursuant to SMC 23.76.032, the Council may rescind the zoning or otherwise rezone the
20 Property. This Ordinance does not prevent the City Council from making such further
21 amendments to the Seattle Municipal Code or exercising the City's police power as it may
22 deem necessary in the public interest.
23

24 **Section 7.** This ordinance shall take effect and be in force thirty (30) days from and
25 after its approval by the Mayor, but if not approved and returned by the Mayor within ten
26 (10) days after presentation, it shall take effect as provided by Municipal Code Section
27 1.04.020.
28

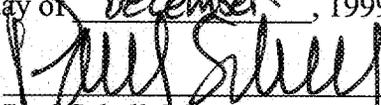
29 Passed by the City Council the 13th day of December, 1999, and signed by
30 me in open session in authentication of its passage this 13th day of December,
31 1999.

RDT
C.B. 112991
12-10-99
V 2



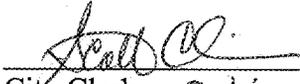
President of the City Council

Approved by me this 21st day of December, 1999.



Paul Schell, Mayor

Filed by me this 21st day of December, 1999.



City Clerk, Acting

(SEAL)

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*Submitted by Joseph
Kling on 9/26/00*

PROPERTY USE AND DEVELOPMENT AGREEMENT

This agreement is executed this date in favor of the City of Seattle, a Municipal Corporation (herein called "City"), by Andrew L. Branch, the owner of property legally described herein (herein called "Owner").

RECITALS

1. Seattle Municipal Code 23.34.004 authorizes the Seattle City Council to approve contract rezones in which a landowner agrees to self-imposed restrictions upon the use and development of property as a condition of rezone approval.
2. The Owner has a fee simple or other beneficial interest in the property identified in paragraph three and wants the City Council to rezone the property pursuant to SMC 23.34.004.
3. The property which is subject to this agreement ("Property") is:

Lots 1 and 2 and the west one hundred (100) feet of Lots 4 and 6, Block 3, Charles Addition to the City of Seattle, recorded in Volume 2 of Plats, page 131, in King County, Washington, except that portion of Lot 1 conveyed to the City of Seattle for street purposes by deed recorded under recording number 8910030346, AND

The south one (1) foot of Lot 5 and Lots 6 through 12, inclusive, Block 3, Hick's Addition to the City of Seattle, recorded in Volume 2 of Plats, page 69, in King County, Washington.

OWNER'S DUTIES

Pursuant to SMC 23.34.004, the Owner hereby covenants, bargains and agrees, on behalf of himself and his successors and assigns, as follows:

1. Use Restrictions

Use of the Property shall be limited to nursing home, congregate residence, or assisted living facility, as those terms are defined in SMC Title 23.

2. 26th Avenue South Streetscape

- a. The lot line abutting 26th Avenue South shall be deemed the front lot line.
- b. The front setback on 26th Avenue South shall be 10 feet or the average of all front setbacks on the block between South Charles Street and South Norman Street, whichever is greater.
- c. The front setback area shall be landscaped to the approval of the Department of Design, Construction and Land Use (DCLU). DCLU may approve the landscaping if it determines that the proposed landscaping reduces the visual impact of the development for the properties located on the west side of 26th Avenue South. Landscaping may be required in addition to that required by SMC 23.45.015. Trees shall be required, shall be at least 1.5-inch caliper, and shall be planted at intervals of no less than one tree for each 15 feet. Species of trees shall be the selected from the City of Seattle's List of Preferred

Trees. These trees to be planted in the front setback area are in addition to any required street trees.

d. If the front façade width of any building exceeds 40 feet, then the building shall be modulated to a minimum depth of 10 feet and minimum width of 10 feet, to give the appearance of a row of gabled single family houses. If the building is so modulated, then each modular segment shall have a pitched roofline of at least three feet of vertical rise for each 12 horizontal feet; a steeper pitch is preferred but not required.

e. Each modular segment shall have the appearance of a well-defined pedestrian entrance as that term is described in Design Review Guidelines.

f. Each vertical modular segment shall use finish materials and colors to distinguish the segment from other segments and to help convey the the appearance of a row of single family houses.

g. Windows and window treatments should resemble the style of windows common in single-family residences in the neighborhood, rather than windows that appear institutional in nature.

h. On-site parking shall be screened from 26th Avenue South.

3. Buffer to protect abutting properties on the south property line at 26th Avenue South

a. Development shall be screened at the south property line, from 26th Avenue South to midblock, by a fence at least six feet in height to mitigate visual and sound impacts on the abutting property.

- b. Development shall be set back from the south property line as required by the Land Use Code or a minimum of 10 feet, whichever is greater. A minimum of ten feet of the depth of the setback area shall be landscaped in a manner that the DCLU determines to be adequate as a buffer. Landscaping may be required in addition to that required by SMC 23.45.015. Trees shall be required, shall be at least 1.5-inch caliper, and shall be planted at an interval of no less than one tree for each 15 feet. Species of trees shall be selected from the City of Seattle's List of Preferred Trees. These trees to be planted in the side setback area are in addition to any required street trees.

4. Traffic management and parking

- a. A Transportation Management Plan (TMP) is required for development of the property. The plan must be submitted to DCLU. The plan must be approved by DCLU following review by the Seattle Transportation Department (SEATRAN).
- b. Vehicular access shall be from the existing access along South Dearborn Street and from South Charles Street.
- c. The TMP shall contain measures to direct automobile and truck traffic to reach the property by streets other than 26th Avenue South.
- d. The TMP shall contain measures to schedule truck loading and unloading activities to minimize impacts on neighboring residential development.
- e. The Owner is encouraged to consolidate parking for uses on the site.

5. Exterior Lighting Plan

An exterior lighting plan shall be submitted to DCLU at the time the first Master Use Permit ("MUP") application is submitted to DCLU for any development of the property. The lighting must be of residential quality and character, of a type and wattage used in lighting entrances to single-family residences in the neighborhood. Any more intense lighting required for security must be directed away from residential properties and designed to avoid visual intrusion upon residential properties.

6. Design Review Required

Any development of the property which requires a MUP shall be subject to design review pursuant to SMC 23.41. Departures from development standards which are otherwise authorized by SMC 23.41 may be granted, including departures which change conditions established by this agreement. Departures are not authorized for development conditions of this agreement or other development standards which are not otherwise authorized pursuant to SMC 23.41.

When conducting design review, including determinations whether to grant departures, the principal goal of the Design Review Board and DCLU should be development which is compatible with the neighboring low density residential development. The Owner is encouraged to preserve existing, significant trees when developing the Property.

7. After-acquired property

In the event the Owner, his successors or assigns acquire the west one-hundred feet of Lots 3 or 5 of Block 3, Charles Addition to the City of Seattle, this agreement shall apply to the property so acquired.

8. 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 Property and shall be binding upon the Owner, his heirs, successors and assigns.

9. Termination

This Agreement will terminate on January 1, 2003 if prior to that time the Owner has failed to file an application for a Master Use Permit for development of the property. If a MUP application has been filed prior to that time, the Agreement will remain in effect until the MUP expires pursuant to SMC 23.76.032, except that provisions of the Agreement which regulate ongoing use of the property shall remain in effect when multiple MUPs exist or phased development occurs.

10. Amendment

This Agreement may be amended as provided by SMC 23.76.058.

11. Exercise of the Police Power

(Seal or stamp)

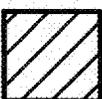


Rosie Lee Hailey
Notary's Signature

Rosie Lee Hailey
Typed/Printed Name of Notary

Legal Assistant
Title

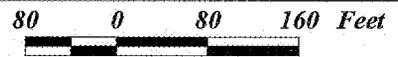
My appointment
expires: 4/25/2001



Location: 2611 S Dearborn St
Rezone: LDT and L-2 to L-3 Contract
Amending Page 119, Official Land Use Map

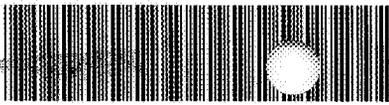


Existing Zone Lines
 Property Lines



No warranties of any sort, including accuracy, fitness,
 or merchantability accompany this product.
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 Prepared December 10, 1999





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PAGE 001 OF 013
01/14/2000 09:51
KING COUNTY, WA

FILED CITY OF SEATTLE MISC 20.00
CITY OF SEATTLE

Return Address:

Seattle City Clerk's Office

600 4th Avenue, Room 104

Seattle, WA 98104

00 MAR -9 PM 3: 31

CITY CLERK

Please print or type information WASHINGTON STATE RECORDER'S Cover Sheet (RCW 65.04)

Document Title(s) (or transaction contained therein): (all areas applicable to your document must be filled

1. ORDINANCE # 119804

2000 011 4000471

Re - of document

AN ORDINANCE relating to land use and zoning, amending Plat 45E, page 119 of the Official Land Use Map to rezone property located in the vicinity of 2611 South Dearborn Street from Lowrise 2 and Lowrise Duplex/Triplex to Lowrise 3; and accepting a Property Use and Development Agreement in connection therewith, to implement the Central Area Neighborhood Plan.

Grantor(s) (Last name first, then first name and initials)

1.City of Seattle

Additional names on page-----of document.

Grantee(s) (Last name first, then first name and initials)

1.N/A

2.

Legal description (abbreviated: i.e. lot, block, plat or section, township, range)

Additional reference #'s on page -----of document N/A

Assessor's Property Tax Parcel/Account Number/ N/A

Assessor Tax # not yet assigned.

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ORDINANCE 119804

AN ORDINANCE relating to land use and zoning, amending Plat 45E, page 119 of the Official Land Use Map to rezone property located in the vicinity of 2611 South Dearborn Street from Lowrise 2 and Lowrise Duplex/Triplex to Lowrise 3; and accepting a Property Use and Development Agreement in connection therewith, to implement the Central Area Neighborhood Plan.

WHEREAS, by Ordinance 119216 the City Council amended the City of Seattle Comprehensive Plan to adopt portions of the Central Area Neighborhood Plan; and

WHEREAS, the Central Area Neighborhood Plan identified the property which is the subject of this ordinance as a possible site for rezoning; and

WHEREAS, the City of Seattle is the fee owner of two lots subject to this ordinance; and

WHEREAS, the Council has now considered the recommendation contained in the Plan and determined that the property should be rezoned, subject to conditions;

NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. This Ordinance rezones the following property (the "Property"):

Lots 1 and 2 and the west 100 feet of Lots 3,4,5 and 6, Block 3, Charles Addition to the City of Seattle, according to the plat thereof recorded in Volume 2 of Plats, page 131, in King County, Washington.

Except that portion of Lot 1 conveyed to the City of Seattle for Street purposes by deed recorded under recording number 8910030346.

and

The South 1 foot of Lot 5 and Lots 6 through 12, inclusive, Block 3 Hick's Addition to the City of Seattle, according to the plat thereof recorded in Volume 2 of Plats, page 69, in King County, Washington.

Section 2. Subject to the conditions contained in this ordinance, the Official Land Use Map zone classification for the Property, as last amended by Ordinance 115606 and established on Plat 45E, page 119 of the Official Land Use Map, is hereby amended to rezone the Property from Lowrise 2 (L2) and Lowrise Duplex/Triplex (LDT), to Lowrise 3 (L3) as shown in "Exhibit A," attached to this Ordinance.



2000 011 4000471

1 Section 3. A Property Use and Development Agreement ("PUDA") by which
2 Andrew Branch, owner of a portion of the Property, agrees to certain restrictions upon the
3 Property, is hereby accepted and attached to this Ordinance as "Exhibit B."
4

5 Section 4. Until Lots 3 and 5 of Block 3, Charles Addition to the City of Seattle,
6 become subject to the PUDA as provided by section 7 of the PUDA, use or development of
7 those lots shall comply with the requirements of the Lowrise Duplex/Triplex zone.
8

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10 Property Use and Development Agreement and of this Ordinance at the King County
11 Records and Elections Division, to file the original of the Property Use and Development
12 Agreement with this Ordinance at the City Clerk's Office, and to deliver copies of the same
13 to the Director of the Department of Design, Construction and Land Use and to the King
14 County Assessor's Office.
15

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19 pursuant to SMC 23.76.032, the Council may rescind the zoning or otherwise rezone the
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21 amendments to the Seattle Municipal Code or exercising the City's police power as it may
22 deem necessary in the public interest.
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25 after its approval by the Mayor, but if not approved and returned by the Mayor within ten
26 (10) days after presentation, it shall take effect as provided by Municipal Code Section
27 1.04.020.
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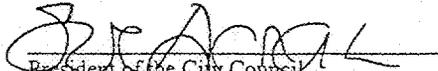
29 Passed by the City Council the 13th day of December, 1999, and signed by
30 me in open session in authentication of its passage this 13th day of December,
31 1999.



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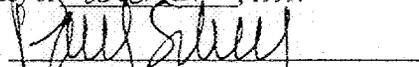
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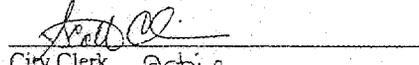
President of the City Council

Approved by me this 21st day of December, 1999.



Paul Schell, Mayor

Filed by me this 21st day of December, 1999.



City Clerk, Acting

(SEAL)

2000 011 4000471

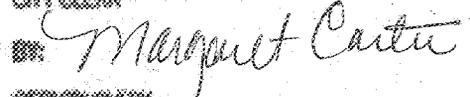
STATE OF WASHINGTON
COUNTY OF KING } SS
CITY OF SEATTLE

I, JUDITH E. PIPPIN, CITY CLERK OF THE CITY OF SEATTLE, DO HEREBY
CERTIFY THAT THE WITHIN AND FOREGOING IS A TRUE AND CORRECT
COPY OF

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 TO THE CITY OF SEATTLE, THIS 10th day of January, 2000

JUDITH E. PIPPIN
CITY CLERK

BY: 
DEPUTY CLERK



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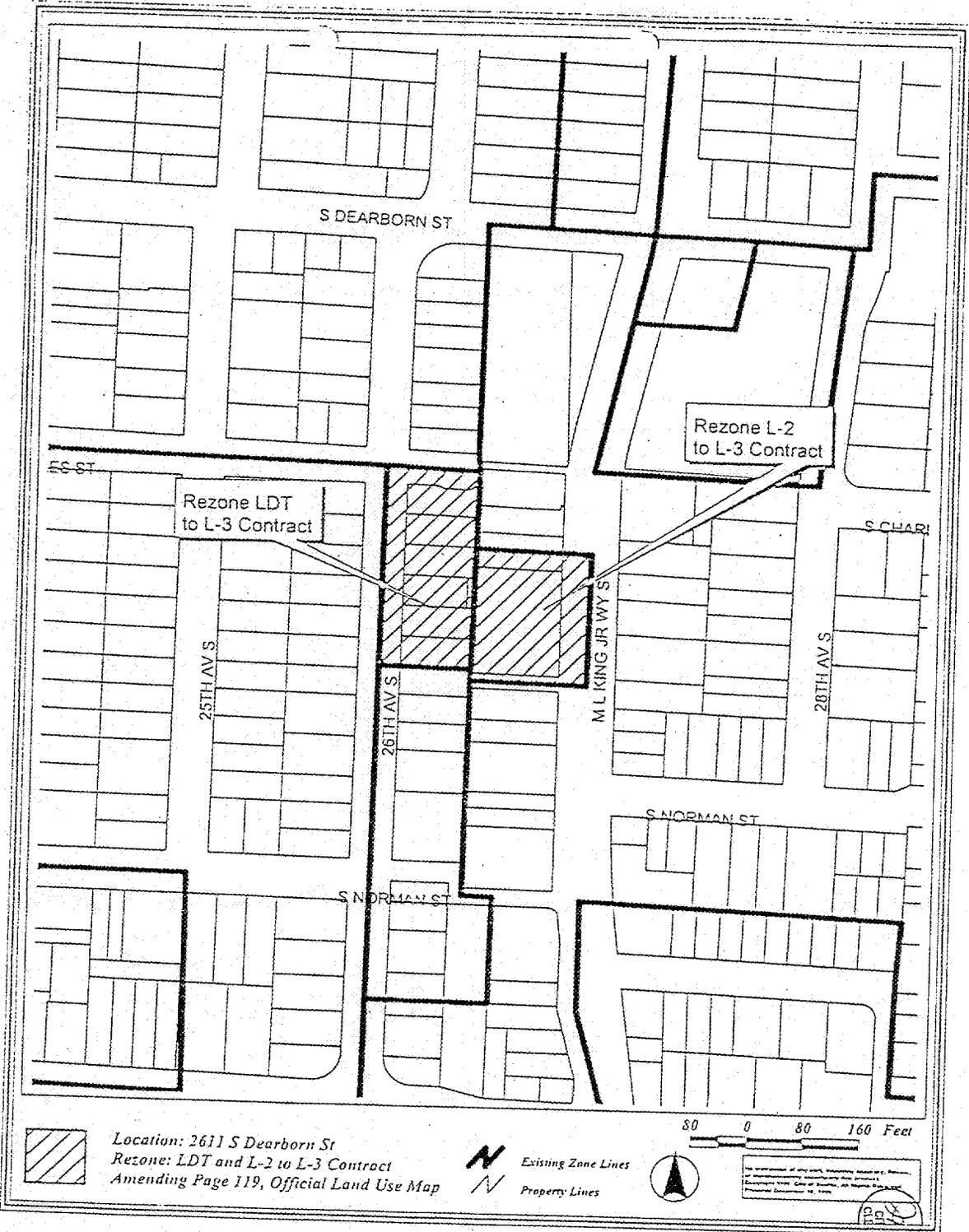


EXHIBIT A

PROPERTY USE AND DEVELOPMENT AGREEMENT

This agreement is executed this date in favor of the City of Seattle, a Municipal Corporation (herein called "City"), by Andrew L. Branch, the owner of property legally described herein (herein called "Owner").

RECITALS

1. Seattle Municipal Code 23.34.004 authorizes the Seattle City Council to approve contract rezones in which a landowner agrees to self-imposed restrictions upon the use and development of property as a condition of rezone approval.

2. The Owner has a fee simple or other beneficial interest in the property identified in paragraph three and wants the City Council to rezone the property pursuant to SMC 23.34.004.

3. The property which is subject to this agreement ("Property") is:

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2000 011 4000471



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Pursuant to SMC 23.34.004, the Owner hereby covenants, bargains and agrees, on behalf of himself and his successors and assigns, as follows:

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Use of the Property shall be limited to nursing home, congregate residence, or assisted living facility, as those terms are defined in SMC Title 23.

2. 26th Avenue South Streetscape

- a. The lot line abutting 26th Avenue South shall be deemed the front lot line.
- b. The front setback on 26th Avenue South shall be 10 feet or the average of all front setbacks on the block between South Charles Street and South Norman Street, whichever is greater.
- c. The front setback area shall be landscaped to the approval of the Department of Design, Construction and Land Use (DCLU). DCLU may approve the landscaping if it determines that the proposed landscaping reduces the visual impact of the development for the properties located on the west side of 26th Avenue South. Landscaping may be required in addition to that required by SMC 23.45.015. Trees shall be required, shall be at least 1.5-inch caliper, and shall be planted at intervals of no less than one tree for each 15 feet. Species of trees shall be the selected from the City of Seattle's List of Preferred



Trees. These trees to be planted in the front setback area are in addition to any required street trees.

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- g. Windows and window treatments should resemble the style of windows common in single-family residences in the neighborhood, rather than windows that appear institutional in nature.
- h. On-site parking shall be screened from 26th Avenue South.

3. **Buffer to protect abutting properties on the south property line at 26th Avenue South**

- a. Development shall be screened at the south property line, from 26th Avenue South to midblock, by a fence at least six feet in height to mitigate visual and sound impacts on the abutting property.



2000 011 4000471

b. Development shall be set back from the south property line as required by the Land Use Code or a minimum of 10 feet, whichever is greater. A minimum of ten feet of the depth of the setback area shall be landscaped in a manner that the DCLU determines to be adequate as a buffer. Landscaping may be required in addition to that required by SMC 23.45.015. Trees shall be required, shall be at least 1.5-inch caliper, and shall be planted at an interval of no less than one tree for each 15 feet. Species of trees shall be selected from the City of Seattle's List of Preferred Trees. These trees to be planted in the side setback area are in addition to any required street trees.

4. **Traffic management and parking**

- a. A Transportation Management Plan (TMP) is required for development of the property. The plan must be submitted to DCLU. The plan must be approved by DCLU following review by the Seattle Transportation Department (SEATRAN).
- b. Vehicular access shall be from the existing access along South Dearborn Street and from South Charles Street.
- c. The TMP shall contain measures to direct automobile and truck traffic to reach the property by streets other than 26th Avenue South.
- d. The TMP shall contain measures to schedule truck loading and unloading activities to minimize impacts on neighboring residential development.
- e. The Owner is encouraged to consolidate parking for uses on the site.

2000 011 4000471



5. **Exterior Lighting Plan**

An exterior lighting plan shall be submitted to DCLU at the time the first Master Use Permit ("MUP") application is submitted to DCLU for any development of the property. The lighting must be of residential quality and character, of a type and wattage used in lighting entrances to single-family residences in the neighborhood. Any more intense lighting required for security must be directed away from residential properties and designed to avoid visual intrusion upon residential properties.

6. **Design Review Required**

Any development of the property which requires a MUP shall be subject to design review pursuant to SMC 23.41. Departures from development standards which are otherwise authorized by SMC 23.41 may be granted, including departures which change conditions established by this agreement. Departures are not authorized for development conditions of this agreement or other development standards which are not otherwise authorized pursuant to SMC 23.41.

When conducting design review, including determinations whether to grant departures, the principal goal of the Design Review Board and DCLU should be development which is compatible with the neighboring low density residential development. The Owner is encouraged to preserve existing, significant trees when developing the Property.



2000 011 4000471

7. After-acquired property

In the event the Owner, his successors or assigns acquire the west one-hundred feet of Lots 3 or 5 of Block 3, Charles Addition to the City of Seattle, this agreement shall apply to the property so acquired.

8. 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 Property and shall be binding upon the Owner, his heirs, successors and assigns.

9. Termination

This Agreement will terminate on January 1, 2003 if prior to that time the Owner has failed to file an application for a Master Use Permit for development of the property. If a MUP application has been filed prior to that time, the Agreement will remain in effect until the MUP expires pursuant to SMC 23.76.032, except that provisions of the Agreement which regulate ongoing use of the property shall remain in effect when multiple MUPs exist or phased development occurs.

10. Amendment

This Agreement may be amended as provided by SMC 23.76.058.

11. Exercise of the Police Power



2000 011 4000471

Notary's Signature

(Seal or stamp)

Typed/Printed Name of Notary

Title

My appointment

expires: _____

2000 011 4000471

STATE OF WASHINGTON
COUNTY OF KING
CITY OF SEATTLE

} ss

I, JUDITH E. PIPPIN, CITY CLERK OF THE CITY OF SEATTLE, DO HEREBY
CERTIFY THAT THE WITHIN AND FOREGOING IS A TRUE AND CORRECT
COPY OF *the Property Use and Development Agreement*

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 TO THE CITY OF SEATTLE, THIS *10th* day of *January*, 2000

JUDITH E. PIPPIN
CITY CLERK

BY: *Margaret Carter*
DEPUTY CLERK



PROPERTY USE AND DEVELOPMENT AGREEMENT

THIS INSTRUMENT is executed this date in favor of the City of Seattle, a Municipal Corporation (herein called "City"), by _____, owners of property legally described herein (herein called "Owners").

WITNESSETH:

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

Lots 1 and 2 and the west 100 feet of Lots 3,4,5 and 6, Block 3, Charles Addition to the City of Seattle, according to the plat thereof recorded in Volume 2 of Plats, page 131, in King County, Washington.

Except that portion of Lot 1 conveyed to the City of Seattle for Street purposes by deed recorded under recording number 8910030346.

And

The South 1 foot of Lot 5 and Lots 6 through 12, inclusive, Block 3 Hick's Addition to the City of Seattle, according to the plat thereof recorded in Volume 2 of Plats, page 69, in King County, Washington.

All Block 3, Hick's Addition and Lots 1-5, Block 3 Charles Addition.

WHEREAS, by Ordinance 119216 the City Council amended the City of Seattle Comprehensive Plan to adopt portions of the Central Area Neighborhood Plan; and



WHEREAS, the Central Area Neighborhood Plan identified the property which is the subject of this ordinance as a possible site for rezoning; and

WHEREAS, the Council has now considered the recommendation contained in the Plan and determined that the property should be rezoned, subject to conditions; and

WHEREAS, Owners now desire that the rezone be granted with the limitations contained in this agreement.

NOW, THEREFORE, Owners hereby covenant, bargain and agree on behalf of themselves and their successors and assigns that they will comply with the following limitations and conditions in consideration of the rezone of the Property from Lowrise 2 (L2) and Lowrise/Duplex Triplex (LDT) to Lowrise 3 (L3).

Section 1. Use and development of the Property shall be accomplished in accordance with the following conditions:

1. Development shall be limited to nursing home, congregate residence, assisted living facility, or adult family home as those terms are defined in SMC Title 23.
2. 26th Avenue South Streetscape
 - a. Development that abuts 26th Avenue South shall be oriented to front on 26th Avenue South.
 - b. The front setback on 26th Avenue South shall be 10 feet or established by the average of all setbacks on the block between South Charles Street and South Norman Street, whichever is greater.



c. The front setback area shall be landscaped to the approval of the Department of Design, Construction and Land Use (DCLU). DCLU may approve the landscaping if it determines that the proposed landscaping softens the visual impact of the development for the properties located on the west side of 26th Avenue South. Landscaping may be required in addition to that required by SMC 23.45.015. Trees shall be planted at intervals of 15 to 20 feet. Species of trees should be the same as those already found in the neighborhood. These trees to be planted in the front setback area are in addition to any required street trees.

d. If the front façade width of any building exceeds 45 feet, then the building shall be modulated to a minimum depth of 15 feet and minimum width of 10 feet, to give the appearance of a row of single family houses. If the building is so modulated, then each modular segment shall have a pitched roofline of at least three feet of vertical rise for each 12 horizontal feet.

e. Each building interval shall have the appearance of a well-defined pedestrian entrance.

f. The building shall use finish materials and colors that depict and distinguish the first floor from higher floors.

g. The building shall use windows and window treatments that resemble windows in neighborhood residences, rather than windows that appear institutional in nature.

h. On-site parking shall be screened from 26th Avenue South.

3. Buffer to protect abutting properties on 26th Avenue South



- a. Development shall be screened at the south property line by a fence at least six feet in height to mitigate visual and sound impacts on the abutting property.
- b. Uses on the proposal site shall be set back from the south property line as required by code or a minimum of 10 feet, whichever is greater. A minimum of ten feet of the depth of the setback area shall be landscaped in a manner that the Department of Design, Construction and Land Use determines to be adequate as a buffer. The buffer must include trees having a minimum 2 inch caliper at time of planting. Landscaping may be required in addition to that required by SMC 23.45.015.

4. Traffic management

- a. A Transportation Management Plan is required. The plan must be approved by the Department of Design, Construction and Land Use following review by the Seattle Transportation Department (SEATRAN).
- b. Truck access shall be from the existing access along South Dearborn Street or, if consistent with public safety, from Martin Luther King, Jr. Way South, as determined by SEATRAN.
- c. Other vehicular access to the site shall be from the existing access along South Dearborn Street and from South Charles Street.
- d. Applicant shall comply with appropriate measures to direct automobile and truck traffic along routes other than 26th Avenue South as directed by the DCLU and the Seattle Transportation Department.



- e. Applicant shall comply with appropriate measures to schedule truck loading and unloading activities to minimize impacts on neighboring residential development as required by the Department of Design, Construction and Land Use.
- f. Any proposal for development shall be subject to design review as provided in the Seattle Land Use Code; the Design Review Board may recommend changes to the conditions herein, and DCLU may approve departures that may be sought as permitted by SMC 23.41.012. In considering departures, the Board should provide additional design guidance that further ensures a compatible relationship with surrounding low density residential development, such as preferred arrangement of windows, architectural detailing especially at the building base, pedestrian amenities, and finish materials. The Board should also attempt to preserve and incorporate existing significant trees in the overall development.

Section 2. This Property Use and Development Agreement (hereinafter "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 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; provided that the covenants herein and the rezone shall expire and be of no force and effect as of January 1, 2003 if Owners fail to file an application for a Master Use Permit, as provided by Section 23.76.060.B.1.a of the Seattle Municipal Code.

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument, on oath stated that (he/she) was authorized to execute the instrument and acknowledged it as the _____ of _____ to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: _____.

Notary's Signature

(Seal or stamp)

Typed/Printed Name of Notary

Title

My appointment
expires: _____



ORDINANCE

AN ORDINANCE relating to land use and zoning, amending Plat 45E, page 119 of the Official Land Use Map to rezone property located in the vicinity of 2611 South Dearborn Street from Lowrise 2 and Lowrise Duplex/Triplex to Lowrise 3; and accepting a Property Use and Development Agreement in connection therewith, to implement the Central Area Neighborhood Plan.

WHEREAS, by Ordinance 119216 the City Council amended the City of Seattle Comprehensive Plan to adopt portions of the Central Area Neighborhood Plan; and

WHEREAS, the Central Area Neighborhood Plan identified the property which is the subject of this ordinance as a possible site for rezoning; and

WHEREAS, the Council has now considered the recommendation contained in the Plan and determined that the property should be rezoned, subject to conditions;

NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. This Ordinance affects the property described as follows (the "Property"):

Lots 1 and 2 and the west 100 feet of Lots 3,4,5 and 6, Block 3, Charles Addition to the City of Seattle, according to the plat thereof recorded in Volume 2 of Plats, page 131, in King County, Washington.

Except that portion of Lot 1 conveyed to the City of Seattle for Street purposes by deed recorded under recording number 8910030346.

and

The South 1 foot of Lot 5 and Lots 6 through 12, inclusive, Block 3 Hick's Addition to the City of Seattle, according to the plat thereof recorded in Volume 2 of Plats, page 69, in King County, Washington.

All Block 3, Hick's Addition and Lots 1-5, Block 3, Charles Addition.

Section 2. The Official Land Use Map zone classification for the Property, as last amended by Ordinance 115606 and established on Plat 45E, page 119 of the Official Land Use Map is hereby amended to rezone the Property from Lowrise 2 (L2) and Lowrise Duplex/Triplex (LDT) to Lowrise 3 (L3) as shown in "Exhibit A," attached to this Ordinance.



1 **Section 3.** A Property Use and Development Agreement by which _____,
2 owners of the Property, agree to certain restrictions upon the property is hereby accepted and
3 attached to this Ordinance as "Exhibit B."

4
5 **Section 4.** The City Clerk is hereby authorized and directed to file a copy of said
6 Property Use and Development Agreement and of this Ordinance at the King County
7 Records and Elections Division, to file the original of the Property Use and Development
8 Agreement with this Ordinance at the City Clerk's Office, and to deliver copies of the same
9 to the Director of the Department of Design, Construction and Land Use and to the King
10 County Assessor's Office.

11
12 **Section 5.** This contract rezone shall not expire as contemplated by SMC
13 23.76.060B1, but shall remain in effect until January 1, 2003 unless by that date an
14 application has been filed for a Master Use Permit, which is subsequently issued.

15
16 **Section 6.** This ordinance shall take effect and be in force thirty (30) days from and
17 after its approval by the Mayor, but if not approved and returned by the Mayor within ten
18 (10) days after presentation, it shall take effect as provided by Municipal Code Section
19 1.04.020.

20
21 Passed by the City Council the _____ day of _____, 1999, and signed by
22 me in open session in authentication of its passage this _____ day of _____,
23 1999.

24 _____
25 President of the City Council

26
27 Approved by me this _____ day of _____, 1999.

28 _____
29 Paul Schell, Mayor

30
31 Filed by me this _____ day of _____, 19____.

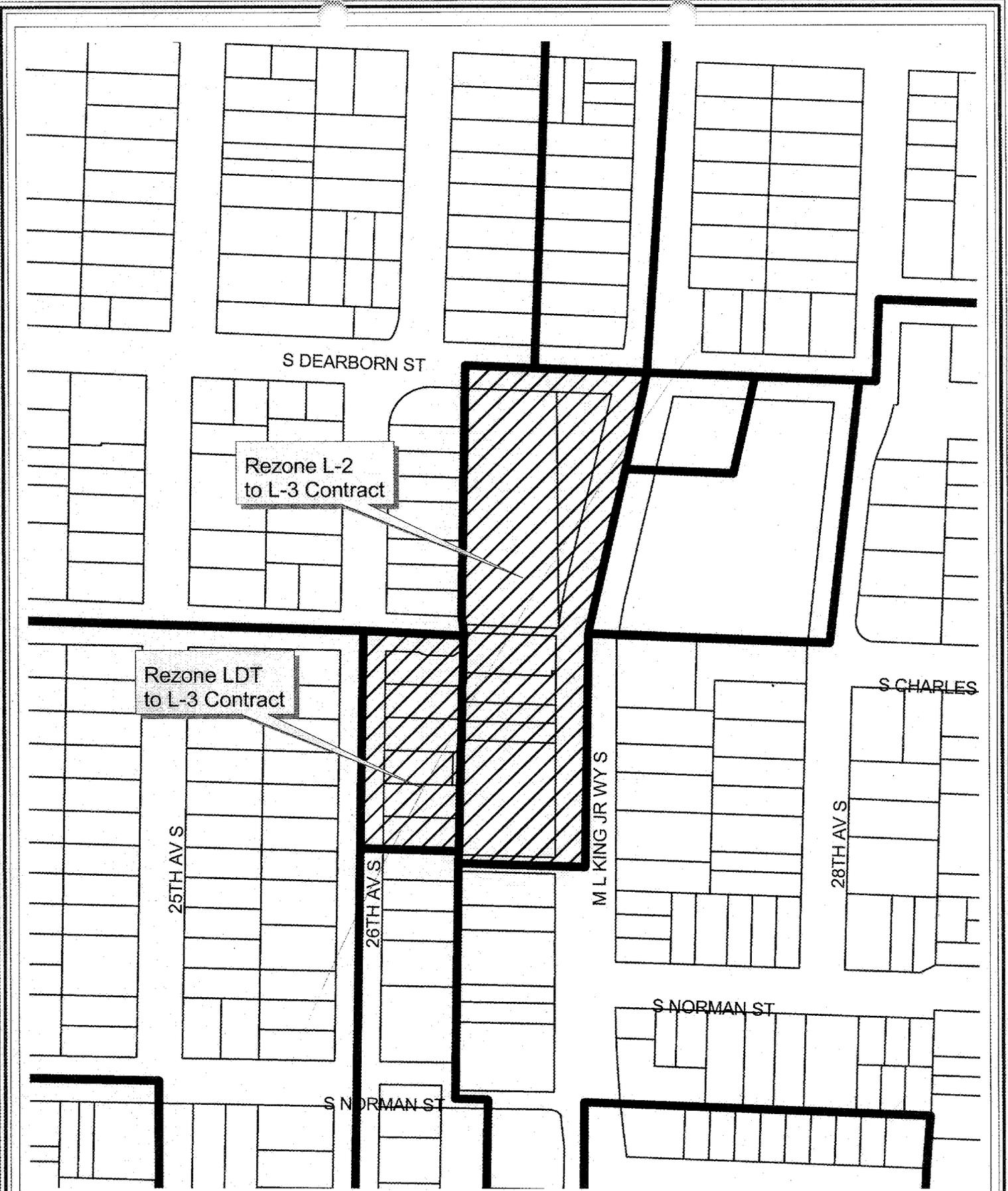
32 _____
33 City Clerk
34
35

JCK
C.B. 112991
10/28/99
V 1

1

(SEAL)





Rezone LDT
to L-3 Contract

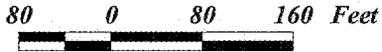
Rezone L-2
to L-3 Contract



Location: 2611 S Dearborn St
Rezoned: LDT and L-2 to L-3 Contract
 Amending Page 119, Official Land Use Map



Existing Zone Lines
 Property Lines



No warranties of any sort, including accuracy, fitness,
 or merchantability accompany this product.
 Copyright 1999, City of Seattle, All Rights Reserved
 Prepared October 28, 1999

ORDINANCE _____

AN ORDINANCE relating to land use and zoning , amending Plat 45E, page 119 of the Official Land Use Map to rezone property located in the vicinity of 2611 South Dearborn Street from Lowrise 2 and Lowrise Duplex/Triplex to Lowrise 3; and accepting a Property Use and Development Agreement in connection therewith, to implement the Central Area Neighborhood Plan.



From: Joyce Kling
To: Margaret Carter
Date: Tue, Oct 26, 1999 1:29 PM
Subject: Referral calendar

Here is a title, for referral to BECD this coming Monday. Thanks! Jk



STATE OF WASHINGTON - KING COUNTY

113670

City of Seattle, City Clerk

-ss.

No. ORDINANCE IN

Affidavit of Publication

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

CT:119804/ORD IN FUL

was published on

01/13/00

The amount of the fee charged for the foregoing publication is the sum of \$, which amount has been paid in full.

Handwritten signature and notary information including 'Subscribed and sworn to before me on 01/13/00' and 'Notary Public for the State of Washington, residing in Seattle'.

TIME AND DATE STAMP

SPONSORSHIP

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:

Jan Page

FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO:



PRESIDENT'S SIGNATURE

00-30141, filed on Jan 7, Tracy M
 W. Fuhrman, 253-840-0396 (Ch. 7)
 Assets \$13,650, Exempt \$5,628, John
 # 14, Puyallup 9837, cbs \$28,407

City of Seattle

ORDINANCE NO. 119804

AN ORDINANCE relating to land use and zoning, amending Plat 45E, page 119 of the Official Land Use Map to rezone property located in the vicinity of 2611 South Dearborn Street from Lowrise 2 and Lowrise Duplex/Triplex to Lowrise 3, and accepting a Property Use and Development Agreement in connection therewith, to implement the Central Area Neighborhood Plan.

WHEREAS, by Ordinance 119216 the City Council amended the City of Seattle Comprehensive Plan to adopt portions of the Central Area Neighborhood Plan; and

WHEREAS, the Central Area Neighborhood Plan identified the property which is the subject of this ordinance as a possible site for rezoning; and

WHEREAS, the City of Seattle is the fee owner of two lots subject to this ordinance; and

WHEREAS, the Council has now considered the recommendation contained in the Plan and determined that the property should be rezoned, subject to conditions;

NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

SECTION 1. This Ordinance rezones the following property (the "Property"):

Lots 1 and 2 and the west 100 feet of Lots 3, 4, 5 and 6, Block 3, Charles Addition to the City of Seattle, according to the plat thereof recorded in Volume 2 of

Plats, page 1st, in King County, Washington.

Except that portion of Lot 1 conveyed to the City of Seattle for Street purposes by deed recorded under recording number 8910030346, and

The South 1 foot of Lot 5 and Lots 6 through 12, inclusive, Block 3 Hick's Addition to the City of Seattle, according to the plat thereof recorded in Volume 2 of Plats, page 69, in King County, Washington.

SECTION 2. Subject to the conditions contained in this ordinance, the Official Land Use Map zone classification for the Property, as last amended by Ordinance 115608 and established in Plat 45E, page 119 of the Official Land Use Map, is hereby amended to rezone the Property from Lowrise 2 (L2) and Lowrise Duplex/Triplex (LDT), to Lowrise 3 (L3) as shown in "Exhibit A," attached to this Ordinance.

SECTION 3. A Property Use and Development Agreement ("PUDA") by which Andrew Branch, owner of a portion of the Property, agrees to certain restrictions upon the Property, is hereby accepted and attached to this Ordinance as "Exhibit B."

SECTION 4. Until Lots 3 and 6 of Block 3, Charles Addition to the City of Seattle, become subject to the PUDA as provided by section 7 of the PUDA, use or development of those lots shall comply with the requirements of the Lowrise Duplex/Triplex zone.

SECTION 5. The City Clerk is hereby authorized and directed to file a copy of said Property Use and Development Agreement and of this Ordinance at the King County Records and Elections Division, to file the original of the Property Use and

Development Agreement with the Ordinance at the City Clerk's Office, and to deliver copies of the same to the Director of the Department of Design, Construction and Land Use and to the King County Assessor's Office.

SECTION 6. Pursuant to SMC 23.76.050 (B) (1) (b), this rezoning will terminate January 1, 2003, unless by that date an application has been filed for a Master Use Permit ("MUP") for development of the Property. In the event a MUP is not issued, or expires pursuant to SMC 23.76.052, the Council may rescind the zoning or otherwise rezone the Property. This Ordinance does not prevent the City Council from making such further amendments to the Seattle Municipal Code or exercising the City's police power as it may deem necessary in the public interest.

SECTION 7. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 13th day of December, 1999, and signed by me in open session in authentication of its passage this 13th day of December, 1999.

SUE DONALDSON,
 President of the City Council.
 Approved by me this 21st day of December, 1999.

PAUL SCHELL,
 Mayor.
 Filed by me this 21st day of December, 1999.

(Seal) SCOTT CLINE,
 Acting City Clerk.

