

Ordinance No. 123254

Council Bill No. 116808

AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 15 of the Official Land Use Map to rezone property located at 11340 and 11334 Corliss Avenue North from Single Family 7200 (SF 7200) to Single Family 5000 (SF 5000). (Petition by Ken McBride, C.F. 309287, DPD Project 3008747.)

Related Legislation File:

| | |
|--|--|
| Date Introduced and Referred: 3.8.10 | To: (committee): Built Environment |
| Date Re-referred: | To: (committee): |
| Date Re-referred: | To: (committee): |
| Date of Final Action: 3-22-10 | Date Presented to Mayor: 3-23-10 |
| Date Signed by Mayor: — | Date Returned to City Clerk: 3.22.10 |
| Published by Title Only | Date Vetoed by Mayor: |
| Published in Full Text X | |
| Date Veto Published: | Date Passed Over Veto: |
| Date Veto Sustained: | Date Returned Without Signature: |

The City of Seattle – Legislative Department

Council Bill/Ordinance sponsored by: Emily Luman

Committee Action:

| Date | Recommendation | Vote |
|---------------|--------------------|-------------|
| 3/10/3 | APPROVE | 2-0 |
| | AMENDED | SCSB |

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

Full Council Action:

| Date | Decision | Vote |
|----------------|---------------|------------|
| 3-22-10 | Passed | 9-0 |

ORDINANCE 123254

AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 15 of the Official Land Use Map to rezone property located at 11340 and 11334 Corliss Avenue North from Single Family 7200 (SF 7200) to Single Family 5000 (SF 5000). (Petition by Ken McBride, C.F. 309287, DPD Project 3008747)

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. This Ordinance affects the following legally-described lots (the Property) commonly known as 11340 and 11334 Corliss Avenue North.

11340 Corliss Avenue North:

THE SOUTH 98 FEET OF THE NORTH 263 FEET OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 26 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON; EXCEPT THE EAST 123 FEET THEREOF; AND EXCEPT THE WEST 30 FEET THEREOF CONVEYED TO KING COUNTY FOR ROAD BY DEED RECORDED UNDER AUDITOR'S FILE NUMBER 3580008.

11334 Corliss Avenue North:

THE SOUTH 98 FEET OF THE NORTH 361 FEET OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 26 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON; EXCEPT THE EAST 123 FEET THEREOF; AND EXCEPT PORTION FOR CORLISS AVENUE NORTH.



1 Section 2. The Official Land Use Map zone classification, established on page 15 of the
2 Official Land Use Map, and adopted by Ordinance 110381 and last modified by Ordinance
3 123235, is amended to rezone the Property from Single Family 7200 (SF 7200) to Single Family
4 5000 (SF 5000), as shown in Exhibit A of this ordinance.

5 Section 3. This rezone shall not expire and shall remain in full force and effect until the
6 SF 5000 zoning is changed by future Council action.

7 Section 4. This Ordinance is a quasi-judicial decision of the City Council, is not subject
8 to mayoral approval or disapproval, and shall take effect and be in force 30 days from and after
9 its passage and approval by the City Council.

10 Passed by the City Council the 22nd day of March, 2010, and
11 signed by me in open session in authentication of its passage this

12 22nd day of March, 2010.

13
14
15
16 
17 President _____ of the City Council

18 Filed by me this 22nd day of March, 2010.

19
20
21 
22 City Clerk

23 (Seal)

24 Exhibit A: Rezone Map

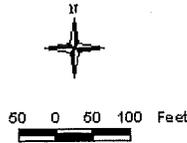


Exhibit A: Rezone Map



**11340 & 11334
Corliss Ave N
Rezone**

-  Zoning Outlines
-  Streets
-  Arterials
-  Interstate Freeway
-  Parcels



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City of Seattle.
Prepared Mar. 18, 2009
by C. McCoy



FISCAL NOTE FOR NON-CAPITAL PROJECTS

| Department: | Contact Person/Phone: | DOF Analyst/Phone: |
|--------------------|------------------------------|---------------------------|
| Legislative | Sara Belz, 4-5382 | NA |

Legislation Title:

AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 15 of the Official Land Use Map to rezone property located at 11340 and 11334 Corliss Avenue North from Single Family 7200 (SF 7200) to Single Family 5000 (SF 5000). (Petition by Ken McBride, C.F. 309287, DPD Project 3008747.)

• **Summary of the Legislation:**

This legislation effectuates a quasi-judicial rezone of property located at 11340 and 11334 Corliss Avenue North. The proposed rezone would change the zone designation of the two parcels from SF 7200 to SF 5000. A Property Use and Development Agreement is not associated with the rezone petition.

• **Background:** *(Include brief description of the purpose and context of legislation and include record of previous legislation and funding history, if applicable):*

The legislation is a petitioner-generated rezone subject to the Council's rules for quasi-judicial decisions. The original petition, Department of Planning and Development recommendation, Hearing Examiner's Findings and Recommendation, and record established by the Hearing Examiner are contained in related Clerk's File 309287.

This is the second time this matter has come before the Council. In April 2009, the Council voted 5-4 to deny this proposed rezone on the grounds that it conflicted with Land Use Goal 9 in Seattle's Comprehensive Plan, which emphasizes maintaining the character of single family zones including "use, development, and density characteristics." In addition, the Council concluded that the rezone could set a precedent and compromise the single family character of the neighborhood by encouraging other homeowners to pursue rezones of their properties. Ken McBride, the applicant for this rezone, subsequently appealed the Council's decision by filing a Land Use Petition in King County Superior Court. In January 2010, the Court found that the Council erred in its decision to deny the rezone and issued order no. 09-2-17965-4 that granted Mr. McBride's Land Use Petition, vacated the Council's decision, and remanded the rezone to the Council for further action. In response to the Court's remand, this legislation grants the proposed rezone.

• *Please check one of the following:*

This legislation does not have any financial implications. *(Stop here and delete the remainder of this document prior to saving and printing.)*



STATE OF WASHINGTON – KING COUNTY

--SS.

252786
CITY OF SEATTLE, CLERKS OFFICE

No.

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.

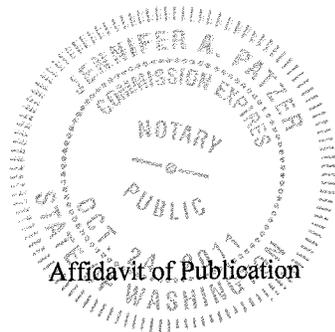
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:123254 ORDINANCE

was published on

04/02/10

The amount of the fee charged for the foregoing publication is the sum of \$ 95.55, which amount has been paid in full.



Affidavit of Publication

Subscribed and sworn to before me on

04/02/10

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

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Section 4. This Ordinance is a quasi-judicial decision of the City Council, is not subject to mayoral approval or disapproval, and shall take effect and be in force 30 days from and after its passage and approval by the City Council.

Passed by the City Council the 22nd day of March, 2010, and signed by me in open session in authentication of its passage this 22nd day of March, 2010.

Richard Conlin

President of the City Council

Filed by me this 22nd day of March, 2010.

Publication ordered by the City Clerk

Date of publication in the Seattle Daily Journal of Commerce, April 2, 2010.

4/2(252786)