

Ordinance No. 123279

Council Bill No. 116840

AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 100 of the Official Land Use Map, to rezone property located at 100 Republican Street from Neighborhood Commercial 3 with a 40-foot height limit (NC3 40) and Neighborhood Commercial 3 with a 40-foot height limit and Pedestrian zone designation (NC3P 40), to Neighborhood Commercial 3 with a 65-foot height limit (NC3 65) and to Neighborhood Commercial 3 with a 65-foot height limit and Pedestrian zone designation (NC3P 65), respectively, authorizing acceptance of a Property Use and Development Agreement, and setting a contingent effective date.

Related Legislation File: CF 309848

Date Introduced and Referred: <u>4.12.10</u>	To: (committee): <u>Built Environment</u>
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: <u>4.19.10</u>	Date Presented to Mayor: 4.20.10
Date Signed by Mayor: <u> </u>	Date Returned to City Clerk: <u>4.19.10</u>
Published by Title Only _____	Date Vetoed by Mayor:
Published in Full Text <u>X</u>	
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: Samy S. Amos

Committee Action:

Date	Recommendation	Vote
<u>04/14/10</u>	<u>APPROVE</u>	<u>2-0 TB, SB</u>

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

Full Council Action:

Date	Decision	Vote
<u>4.19.10</u>	<u>Passed</u>	<u>9-0</u>

Law Department

ORDINANCE 123279

1
2 AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the
3 Seattle Municipal Code at page 100 of the Official Land Use Map, to rezone property located at
4 100 Republican Street from Neighborhood Commercial 3 with a 40-foot height limit (NC3 40)
5 and Neighborhood Commercial 3 with a 40-foot height limit and Pedestrian zone designation
6 (NC3P 40), to Neighborhood Commercial 3 with a 65-foot height limit (NC3 65) and to
7 Neighborhood Commercial 3 with a 65-foot height limit and Pedestrian zone designation (NC3P
8 65), respectively, authorizing acceptance of a Property Use and Development Agreement, and
9 setting a contingent effective date.

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

12 Section 1. This Ordinance affects the following legally described property (the
13 "Property"), commonly known as 100 Republican Street:

14 LOTS 3 THROUGH 11, INCLUSIVE, BLOCK 33, D.T. DENNY'S HOME ADDITION TO THE CITY
15 OF SEATTLE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 3 OF PLATS,
16 PAGE 115, IN KING COUNTY, WASHINGTON.

17 Section 2. Contingent upon approval by the Council of the street vacation petition
18 contained in CF 309868, the Official Land Use Map zone classification for the Property,
19 established on page 100 of the Official Land Use Map, as adopted by Ordinance 110381 and last
20 modified by Ordinance 123263, is amended to rezone the portion of the Property currently zoned
21 Neighborhood Commercial 3 with a 40-foot height limit (NC3 40) to Neighborhood Commercial
22 3 with a 65-foot height limit (NC3 65), and to rezone the portion of Property currently zoned
23 Neighborhood Commercial 3 with a 40-foot height limit and Pedestrian zone designation (NC3P
24 40) to Neighborhood Commercial 3 with a 65-foot height limit and Pedestrian zone designation
25 (NC3P 65), all as shown in Exhibit A to this Ordinance. This amendment to the Official Land
26 Use Map zone classification is conditioned upon performance and continued compliance with the
27 conditions set out in the Council Findings, Conclusions and Decision for Clerk File 309848 and
28



1 upon compliance with the Property Use and Development Agreement referenced in Section 3 of
2 this Ordinance.

3
4 Section 3. The City Council authorizes the City Clerk, contingent upon approval by the
5 Council of the street vacation petition in Clerk File 309868, to accept and record a Property Use
6 and Development Agreement executed by the owner of the Property, by which the owner agrees
7 to restrictions upon the use and development of the Property to ameliorate the adverse impacts of
8 uses and developments that would otherwise be permitted in the NC3 65 and NC3P 65 zone,
9 which restrictions are directly related to the impacts expected to result from the rezone, and
10 which restrictions are included in the Council's Findings, Conclusions and Decision for Clerk
11 File 309848.
12

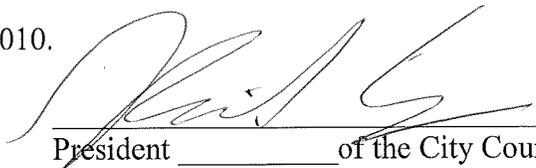
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14 Section 4. If the rezone takes effect pursuant to Sections 2 and 3, the rezone of the
15 Property approved by this Ordinance expires, pursuant to Section 23.76.060.B of the Seattle
16 Municipal Code, two years from Council approval of the street vacation petition in Clerk File
17 309868, unless, within the two-year period, an application is filed for a Master Use Permit,
18 which permit is subsequently issued. If the Master Use Permit is subsequently issued, the rezone
19 approval expires when the Master Use Permit expires pursuant to Section 23.76.032. If the
20 Master Use permit is issued and the owner receives a permanent certificate of occupancy for the
21 entire project prior to expiration of the Master Use Permit, the rezone remains in effect unless
22 revoked pursuant to Section 23.34.004.
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1 Section 5. This Ordinance, effectuating a quasi-judicial decision of the City Council and
2 not subject to mayoral approval or disapproval, shall take effect and be in force thirty (30) days
3 from and after its passage and approval by the City Council.
4

5 Passed by the City Council the 19th day of April, 2010, and
6 signed by me in open session in authentication of its passage this
7

8 19th day of April, 2010.

9 
10 President _____ of the City Council

11 Filed by me this 19th day of April, 2010.

12
13 
14 City Clerk

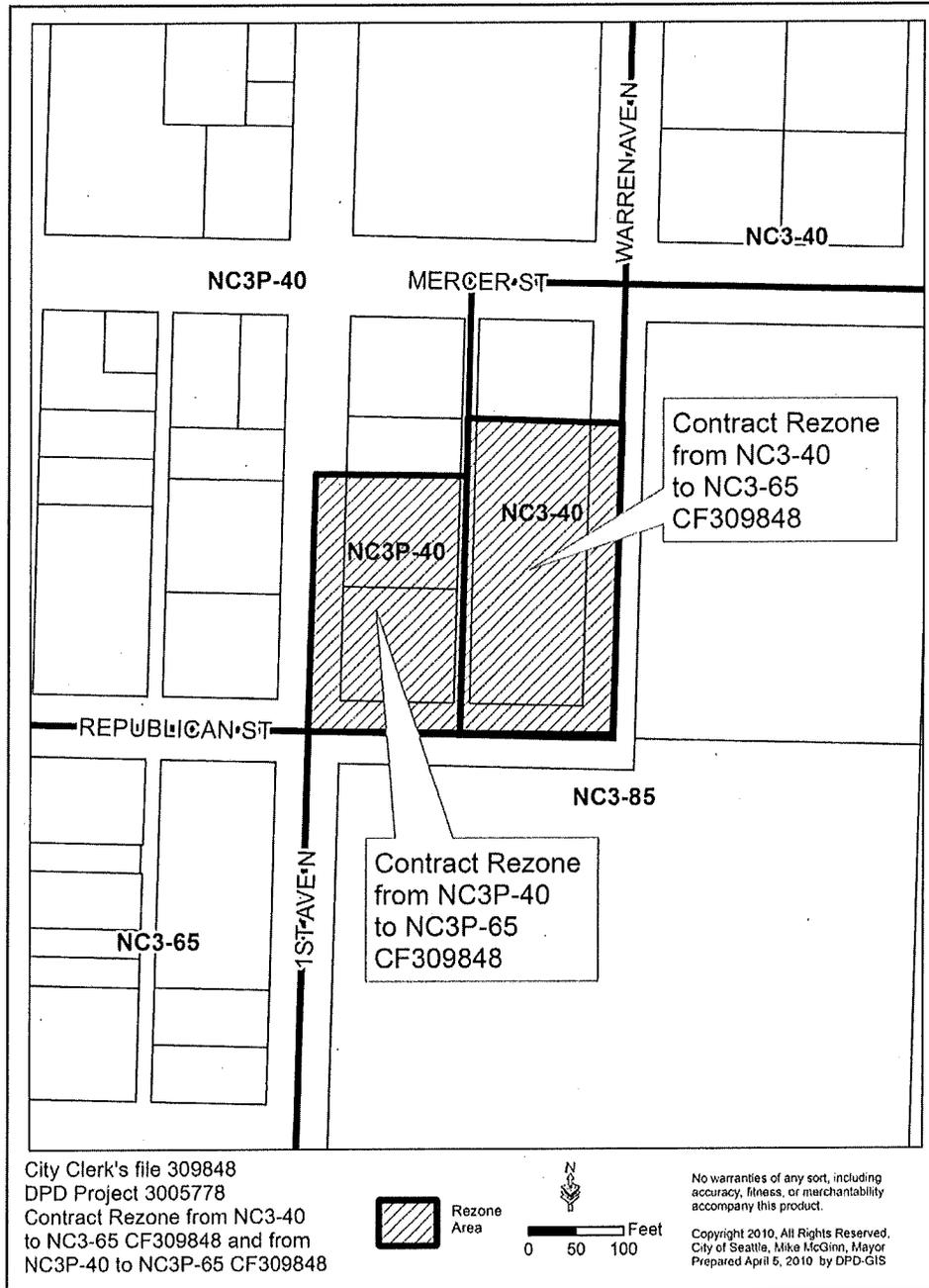
15 (Seal)

16 **Exhibit A: Rezone Map**
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Exhibit A: Rezone Map

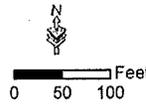
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City Clerk's file 309848
DPD Project 3005778
Contract Rezone from NC3-40
to NC3-65 CF309848 and from
NC3P-40 to NC3P-65 CF309848



Rezone Area



No warranties of any sort, including accuracy, fitness, or merchantability accompany this product.

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City of Seattle, Mike McGinn, Mayor
Prepared April 6, 2010 by DPD-GIS



FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Legislative	Ketil Freeman, 684.8178	NA

Legislation Title:

AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 100 of the Official Land Use Map, to rezone property located at 100 Republican Street from Neighborhood Commercial 3 with a 40-foot height limit (NC3 40) and Neighborhood Commercial 3 with a 40-foot height limit and Pedestrian zone designation (NC3P 40), to Neighborhood Commercial 3 with a 65-foot height limit (NC3 65) and to Neighborhood Commercial 3 with a 65-foot height limit and Pedestrian zone designation (NC3P 65), respectively, authorizing acceptance of a Property Use and Development Agreement, and setting a contingent effective date.

• **Summary of the Legislation:**

This legislation rezones a site located northwest of the Seattle Center at 100 Republican Street from Neighborhood Commercial 3 with a 40-foot height limit (NC3 40) and Neighborhood Commercial 3 with a 40-foot height limit and Pedestrian zone designation (NC3P 40), to Neighborhood Commercial 3 with a 65-foot height limit (NC3 65) and to Neighborhood Commercial 3 with a 65-foot height limit and Pedestrian zone designation (NC3P 65), respectively, contingent on approval of a vacation petition for an alley right-of-way located on the site.

• **Background:**

This bill approves a petitioner-generated rezone subject to the Council's rules for quasi-judicial decisions. The original petition, Department of Planning and Development recommendation, Hearing Examiner's Findings and Recommendation, record established by the Hearing Examiner and Council's Findings, Conclusions and Decision are contained in Clerk's File 309848.

Rezone conditions are contained in the Findings, Conclusions and Decision. The conditions would be recorded in a consolidated Property Use and Development Agreement for the vacation and the rezone. The vacation petition is filed in Clerk's File 309868. The rezone petitioner anticipates development of a mixed use project on the site.

• *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.

254101
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.

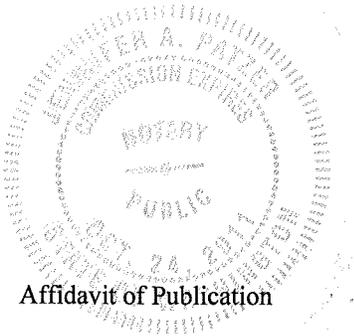
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:123279 ORDINANCE

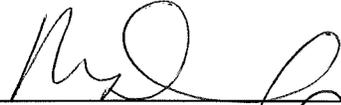
was published on

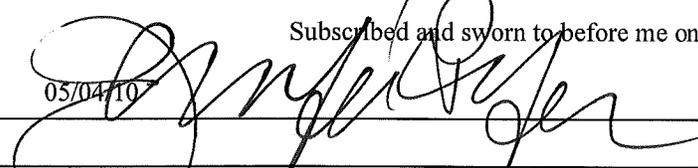
05/04/10

The amount of the fee charged for the foregoing publication is the sum of \$ 435.43, which amount has been paid in full.



Affidavit of Publication



Subscribed and sworn to before me on
05/04/10


Notary public for the State of Washington,
residing in Seattle

ORDINANCE 123279

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BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. This Ordinance affects the following legally described property (the "Property"), commonly known as 100 Republican Street:

LOTS 3 THROUGH 11, INCLUSIVE, BLOCK 33, D.T. DENNY'S HOME ADDITION TO THE CITY OF SEATTLE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 3 OF PLATS, PAGE 115, IN KING COUNTY, WASHINGTON.

Section 2. Contingent upon approval by the Council of the street vacation petition contained in CF 309868, the Official Land Use Map zone classification for the Property, established on page 100 of the Official Land Use Map, as adopted by Ordinance 110381 and last modified by Ordinance 123263, is amended to rezone the portion of the Property currently zoned Neighborhood Commercial 3 with a 40-foot height limit (NC3 40) to Neighborhood Commercial 3 with a 65-foot height limit (NC3 65), and to rezone the portion of Property currently zoned Neighborhood Commercial 3 with a 40-foot height limit and Pedestrian zone designation (NC3P 40) to Neighborhood Commercial 3 with a 65-foot height limit and Pedestrian zone designation (NC3P 65), all as shown in Exhibit A to this Ordinance. This amendment to the Official Land Use Map zone classification is conditioned upon performance and continued compliance with the conditions set out in the Council Findings, Conclusions and Decision for Clerk File 309848 and upon compliance with the Property Use and Development Agreement referenced in Section 3 of this Ordinance.

Section 3. The City Council authorizes the City Clerk, contingent upon approval by the Council of the street vacation petition in Clerk File 309868, to accept and record a Property Use and Development Agreement executed by the owner of the Property, by which the owner agrees to restrictions upon the use and development of the Property to ameliorate the adverse impacts of uses and developments that would otherwise be permitted in the NC3 65 and NC3P 65 zone, which restrictions are directly related to the impacts expected to result from the rezone, and which restrictions are included in the Council's Findings, Conclusions and Decision for Clerk File 309848.

Section 4. If the rezone takes effect pursuant to Sections 2 and 3, the rezone of the Property approved by this Ordinance expires, pursuant to Section 23.76.060.B of the Seattle Municipal Code, two years from Council approval of the street vacation petition in Clerk File 309868, unless, within the two-year period, an application is filed for a Master Use Permit, which permit is subsequently issued. If the Master Use Permit is subsequently issued, the rezone approval expires when the Master Use Permit expires pursuant to Section 23.76.032. If the Master Use permit is issued and the owner receives a permanent certificate of occupancy for the entire project prior to expiration of the Master Use Permit, the rezone remains in effect unless revoked pursuant to Section 23.34.004. This Ordinance, if not subject to mayoral approval or disapproval, shall take effect and be in force thirty (30) days from and after its passage and approval by the City Council.

Passed by the City Council the 19th day of April, 2010, and signed by me in open session in authentication of its passage this 19th day of April, 2010.

RICHARD CONLIN,

President of the City Council.

Filed by me the 19th day of April, 2010,

(Seal) JUDITH E. PIPPIN,

City Clerk.

Exhibit A: Rezone Map

