

Ordinance No. 123322

Council Bill No. 110870

AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 111 of the Official Land Use Map to rezone property located at 1222 East Pine Street from Neighborhood Commercial 3 Pedestrian with a 40 foot height limit (NC3P-40) to Neighborhood Commercial 3 Pedestrian with a 65 foot height limit (NC3P-65), and accepting a Property Use and Development Agreement in connection therewith. (Petition by Ezra Teshome, C.F. 309451, DPD Project 3007044)

Related Legislation File:

Date Introduced and Referred: <u>May 24, 2010</u>	To: (committee): Built Environment
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: <u>June 14, 2010</u>	Date Presented to Mayor: June 14, 2010 -
Date Signed by Mayor: 6-21-10 -	Date Returned to City Clerk: <u>6.14.10</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. Linares

Committee Action:

Date	Recommendation	Vote
<u>8/5/10</u>	<u>APPROVE</u>	
	<u>2:0 SC; SB</u>	

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

Full Council Action:

Date	Decision	Vote
<u>6/14/10</u>	<u>PASSED</u>	<u>8-0 (Excused: Bagshaw)</u>

Law Department

ORDINANCE 123322

AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 111 of the Official Land Use Map to rezone property located at 1222 East Pine Street from Neighborhood Commercial 3 Pedestrian with a 40 foot height limit (NC3P-40) to Neighborhood Commercial 3 Pedestrian with a 65 foot height limit (NC3P-65), and accepting a Property Use and Development Agreement in connection therewith. (Petition by Ezra Teshome, C.F. 309451, DPD Project 3007044)

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 1222 East Pine Street:

LOT 11 AND LOT 12, BLOCK 22, NAGLES ADDITION TO THE CITY OF SEATTLE ACCORDING TO THE PLAT THEREOF, RECORDED IN VOL 1 OF PLATS, PAGE 153, RECORDS OF KING COUNTY.

Section 2. The Official Land Use Map zone classification, established on page 111 of the Official Land Use Map, and adopted by Ordinance 110381 and last modified by Ordinance 123279, is amended to rezone the Property from Neighborhood Commercial 3 Pedestrian with a 40 foot height limit (NC3P-40) to Neighborhood Commercial 3 Pedestrian with a 65 foot height limit (NC3P-65), as shown in Exhibit A of this ordinance. The Official Land Use Map zone classification is conditioned upon performance and continued compliance with the conditions of the Property Use and Development Agreement referenced in Section 3 of this ordinance.

Section 3. The Property Use and Development Agreement attached to this Ordinance as Exhibit B is hereby approved and accepted.



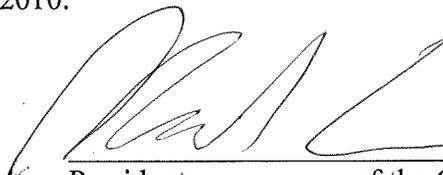
1
2 Section 4. The rezone approval of the Property expires, pursuant to Section 23.76.060
3 B of the Seattle Municipal Code, two (2) years from the effective date of approval, unless, within
4 the two (2) year period, an application is filed for a Master Use Permit, which permit is
5 subsequently issued. If the permit is subsequently issued, the rezone remains in effect unless
6 revoked pursuant to Section 23.34.004.
7

8 Section 5. The City Clerk is hereby authorized and directed to file said Property Use
9 and Development Agreement, attached to this ordinance as Exhibit B, at the King County
10 Records and Elections Division; to file, upon return of the recorded agreement from the King
11 County Records and Elections Division, the original of said Property Use and Development
12 Agreement with this Ordinance at the City Clerk's Office; and to deliver copies of the same to
13 the Director of the Department of Planning and Development and to the King County Assessor's
14 Office.
15

16 Section 6. This Ordinance, effectuating a quasi-judicial decision of the City Council and
17 not subject to mayoral approval or disapproval, shall take effect and be in force thirty (30) days
18 from and after its passage and approval by the City Council.
19

20 Passed by the City Council the 14th day of June, 2010, and
21 signed by me in open session in authentication of its passage this

22 14th day of June, 2010.
23

24 
25 President _____ of the City Council
26
27
28



Michael Jenkins
LEG 1222 East Pine Street Rezone ORD
May 3, 2010
Version #3

Filed by me this 14th day of June, 2010.

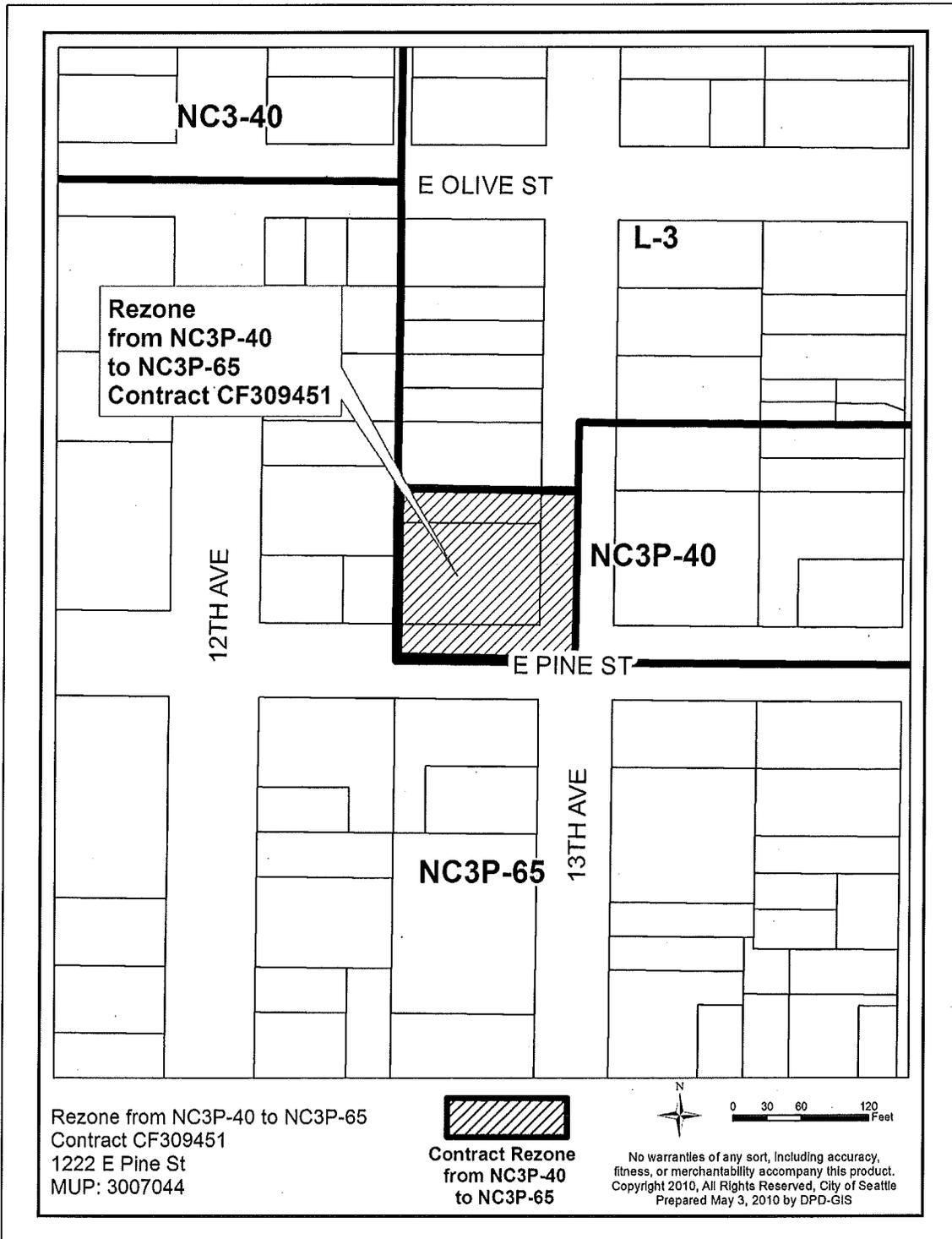
Carol Sheer
City Clerk

(Seal)

Exhibit A: Rezone Map

Exhibit B: Property Use and Development Agreement





Rezone from NC3P-40 to NC3P-65
 Contract CF309451
 1222 E Pine St
 MUP: 3007044


 Contract Rezone
 from NC3P-40
 to NC3P-65

 0 30 60 120 Feet
 No warranties of any sort, including accuracy, fitness, or merchantability accompany this product. Copyright 2010, All Rights Reserved, City of Seattle Prepared May 3, 2010 by DPD-GIS

Exhibit A



When Recorded, Return to:

THE SEATTLE CITY CLERK
600 Fourth Avenue, Floor 3
PO Box 94728
Seattle, Washington 98124-4728

PROPERTY USE AND DEVELOPMENT AGREEMENT

Grantors: 1) <u>Ezra Teshome</u> 2) _____ <input type="checkbox"/> Additional on page _____
Grantee: 1) <u>The City of Seattle</u> 2) _____ <input type="checkbox"/> Additional on page _____
Legal Description (abbreviated): LOT 11 AND LOT 12, BLOCK 22, NAGLES ADDITION TO THE CITY OF SEATTLE ACCORDING TO THE PLAT THEREOF, RECORDED IN VOL 1 OF PLATS, PAGE 153, RECORDS OF KING COUNTY, WASHINGTON. <input type="checkbox"/> Additional on : _____
Assessor's Tax Parcel ID #: <u>6003000725 and 6003000730</u>
Reference Nos. of Documents Released or Assigned: _____

THIS PROPERTY USE AND DEVELOPMENT AGREEMENT (the "Agreement") is executed this 7 day of June, 2010, in favor of the CITY OF SEATTLE (the "City"), a Washington municipal corporation, by Ezra Teshome (the "Owner").

RECITALS

A. Ezra Teshome is the owner of that certain real property (the "Property") in the City of Seattle zoned Neighborhood Commercial 3 Pedestrian with a 40 foot height limit (NC3P-40) and described as:

LOT 11 AND LOT 12, BLOCK 22, NAGLES ADDITION TO THE CITY OF SEATTLE ACCORDING TO THE PLAT THEREOF, RECORDED IN VOL 1 OF PLATS, PAGE 153, RECORDS OF KING COUNTY, WASHINGTON.

B. On June 10, 2008, the Owner submitted to the City of Seattle an application for a rezone from Neighborhood Commercial 3 with a 40 foot height limit (NC3-40) to Neighborhood Commercial 3 with a 65-foot height limit (NC3-65). The purpose of the application is to allow the Property to be used for mixed-use, commercial and multi-family residential development of greater density.

C. On July 8, 2009, the City Council approved Ordinance 123020, which changed the zoning of the rezone site, in part by adopting a Pedestrian (P) designation and eliminating a Station Area Overlay Designation on the rezone site. The change was part of an area-wide effort to rezone properties related to the Pike/Pine Conservation District. The zoning of the site changed to NC3P-40.

D. Seattle Municipal Code (SMC) Section 23.34.004 allows the City to approve a contract rezone subject to “self-imposed restrictions upon the use and development of the property in order to ameliorate adverse impacts that could occur from unrestricted use and development permitted by development regulations otherwise applicable after the rezone.”

NOW, THEREFORE, in consideration of the mutual agreements contained herein, the parties agree as follows:

AGREEMENT

Section 1. Agreement. Pursuant to 23.34.004, the Owner hereby covenants, bargains and agrees, on behalf of itself and its successors and assigns, that it will comply with the following limitations and conditions in consideration of the rezone of the Property from Neighborhood Commercial 3 Pedestrian with a 40 foot height limit (NC3P-40) to Neighborhood Commercial 3 Pedestrian with a 65-foot height limit (NC3P-65):

1. Future development of the Property is restricted to a structure that substantially conforms to the final approved Master Use Permit decision dated January 7, 2010 (MUP 3007044).
2. Use of the property is limited to approximately 6,798 square feet of ground level commercial uses, 75 residential units located on five floors above, and two levels of structured below-grade parking for 70 automobiles.

Section 2. 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, its heirs, successors and assigns, and shall apply to after-acquired title of the Owner of the Property.

Section 3. Termination. The covenants herein and the rezone shall expire two (2) years from the effective date of approval, unless, within the two (2) year period, an application is filed for a Master Use Permit, which permit is subsequently issued. The rezone remains in effect unless revoked pursuant to Section 23.34.004.

Section 4. Amendment. This Agreement may be amended or modified by agreement between Owner and the City; provided, such amendment shall be approved by the legislative authority of the City by ordinance.

Section 5. Exercise of Police Power. Nothing in this Agreement prevents the City Council from making such further amendments to the Seattle Municipal Code or Land Use Code as it may deem necessary in the public interest.

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Legislative	Michael Jenkins, 615-1674	NA

Legislation Title:

AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 111 of the Official Land Use Map to rezone property located at 1222 East Pine Street from Neighborhood Commercial 3 Pedestrian with a 40 foot height limit (NC3P-40) to Neighborhood Commercial 3 Pedestrian with a 65 foot height limit (NC3P-65), and accepting a Property Use and Development Agreement in connection therewith. (Petition by Ezra Teshome, C.F. 309451, DPD Project 3007044)

• **Summary of the Legislation:**

This legislation is for a contract rezone to change the zoning at a site located at 1222 East Pine Street. The rezone would change the zoning from 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).

• **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 with conditions, Hearing Examiner’s Findings and Recommendation, and the record established by the Hearing Examiner and Council’s Findings, Conclusions and Decision are contained in Clerk’s File 309451.

X This legislation does not have any financial implications.



When Recorded, Return to:

THE SEATTLE CITY CLERK
600 Fourth Avenue, Floor 3
PO Box 94728
Seattle, Washington 98124-4728

PROPERTY USE AND DEVELOPMENT AGREEMENT

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Reference Nos. of Documents Released or Assigned: _____

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RECITALS

A. Ezra Teshome is the owner of that certain real property (the "Property") in the City of Seattle zoned Neighborhood Commercial 3 Pedestrian with a 40 foot height limit (NC3P-40) and described as:

LOT 11 AND LOT 12, BLOCK 22, NAGLES ADDITION TO THE CITY OF SEATTLE ACCORDING TO THE PLAT THEREOF, RECORDED IN VOL 1 OF PLATS, PAGE 153, RECORDS OF KING COUNTY, WASHINGTON.

B. On June 10, 2008, the Owner submitted to the City of Seattle an application for a rezone from Neighborhood Commercial 3 with a 40 foot height limit (NC3-40) to Neighborhood Commercial 3 with a 65-foot height limit (NC3-65). The purpose of the application is to allow the Property to be used for mixed-use, commercial and multi-family residential development of greater density.

THIS VERSION IS NOT ADOPTED



C. On July 8, 2009, the City Council approved Ordinance 123020, which changed the zoning of the rezone site, in part by adopting a Pedestrian (P) designation and eliminating a Station Area Overlay Designation on the rezone site. The change was part of an area-wide effort to rezone properties related to the Pike/Pine Conservation District. The zoning of the site changed to NC3P-40.

D. Seattle Municipal Code (SMC) Section 23.34.004 allows the City to approve a contract rezone subject to “self-imposed restrictions upon the use and development of the property in order to ameliorate adverse impacts that could occur from unrestricted use and development permitted by development regulations otherwise applicable after the rezone.”

NOW, THEREFORE, in consideration of the mutual agreements contained herein, the parties agree as follows:

AGREEMENT

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1. Future development of the Property is restricted to a structure that substantially conforms to the final approved Master Use Permit decision dated January 7, 2010 (MUP 3007044).
2. Use of the property is limited to approximately 6,798 square feet of ground level commercial uses, 75 residential units located on five floors above, and two levels of structured below-grade parking for 70 automobiles.

Section 2. 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, its heirs, successors and assigns, and shall apply to after-acquired title of the Owner of the Property.

Section 3. Termination. The covenants herein and the rezone shall expire two (2) years from the effective date of approval, unless, within the two (2) year period, an application is filed for a Master Use Permit, which permit is subsequently issued. The rezone remains in effect unless revoked pursuant to Section 23.34.004.

Section 4. Amendment. This Agreement may be amended or modified by agreement between Owner and the City; provided, such amendment shall be approved by the legislative authority of the City by ordinance.

Section 5. Exercise of Police Power. Nothing in this Agreement prevents the City Council from making such further amendments to the Seattle Municipal Code or Land Use Code as it may deem necessary in the public interest.

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Seattle, Washington 98124-4728



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SEATTLE CITY C AG 64.00
PAGE-001 OF 003
06/24/2010 14:46
KING COUNTY, WA

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FILED
CITY OF SEATTLE
2010 JUN 16 AM 11:02
CITY CLERK

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STATE OF WASHINGTON – KING COUNTY

--SS.

256756
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.

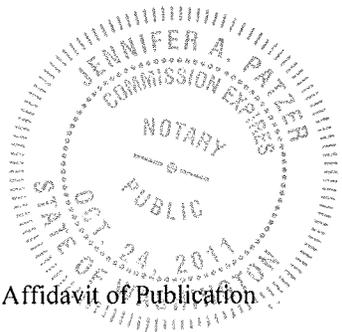
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:ORDINANCE 123322

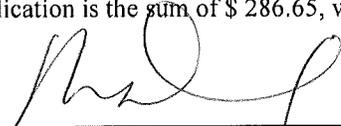
was published on

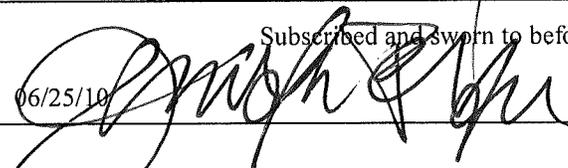
06/25/10

The amount of the fee charged for the foregoing publication is the sum of \$ 286.65, which amount has been paid in full.



Affidavit of Publication



Subscribed and sworn to before me on
06/25/10 

Notary public for the State of Washington,
residing in Seattle

City of Seattle

ORDINANCE 123322

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Section 5. The City Clerk is hereby authorized and directed to file said Property Use and Development Agreement, attached to this ordinance as Exhibit B, at the King County Records and Elections Division; to file, upon return of the recorded agreement from the King County Records and Elections Division, the original of said Property Use and Development Agreement with this Ordinance at the City Clerk's Office; and to deliver copies of the same to the Director of the Department of Planning and Development and to the King County Assessor's Office.

Section 6. This Ordinance, effectuating a quasi-judicial decision of the City Council and 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 14th day of June, 2010, and signed by me in open session in authentication of its passage this 14th day of June, 2010.

Richard Conlin

President of the City Council

Filed by me this 14th day of June, 2010.

Exhibit A: Rezone Map

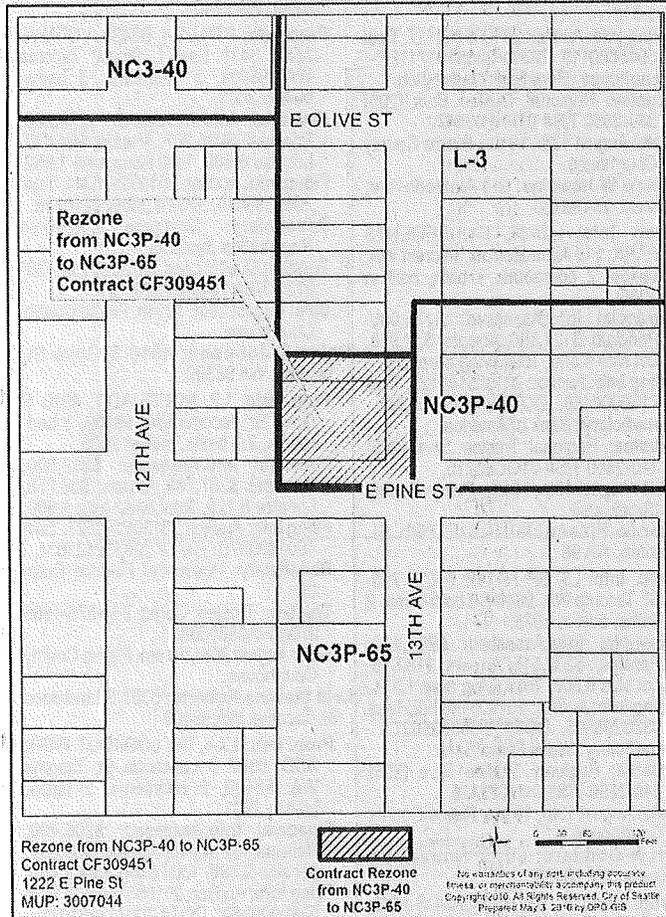


Exhibit B: Property Use and Development Agreement

See City Clerk for Exhibit B

Publication ordered by the City Clerk

Date of publication in the Seattle Daily Journal of Commerce, June 25, 2010.

6/25(256756)