

Ordinance No. ~~124170~~ 124170

Council Bill No. 117772

AN ORDINANCE relating to land use and zoning; amending the Official Land Use Map to rezone properties located at 2615 25th Avenue South and 2715 - 25th Avenue South, from Single Family 5000 (SF 5000) to Seattle Mixed/Residential with a 65 foot height limit (SM/R-65).

Related Legislation File: _____

Date Introduced and Referred: 4.29.13	To: (committee): Full Council
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: 5/6/13	Date Presented to Mayor: —
Date Signed by Mayor: —	Date Returned to City Clerk: 5/6/13
Published by Title Only <input checked="" type="checkbox"/>	Date Vetoed by Mayor:
Published in Full Text _____	
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: Conlin

Committee Action:

Date	Recommendation	Vote

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

Full Council Action:

Date	Decision	Vote
May 6, 2013	Passed	9-0

Law Department

ORDINANCE ~~1241106~~ 124170

AN ORDINANCE relating to land use and zoning; amending the Official Land Use Map to rezone properties located at 2615 25th Avenue South and 2715 – 25th Avenue South, from Single Family 5000 (SF 5000) to Seattle Mixed/Residential with a 65 foot height limit (SM/R-65).

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. This Ordinance affects the following legally described lots (“the Property”) at 2615 25th Avenue South and 2715 – 25th Avenue South:

2615 – 25th Ave S:

LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 AND 14, BLOCK 2, MCARTHUR'S ADDITION TO THE CITY OF SEATTLE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 11 OF PLATS, PAGE(S) 92, IN KING COUNTY, WASHINGTON; AND

2715 – 25th Ave S:

LOTS 1, 2, 3, 4, 5, 6, 7 AND 8, BLOCK 5, MCARTHUR'S ADDITION TO THE CITY OF SEATTLE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 11 OF PLATS, PAGE(S) 92, IN KING COUNTY, WASHINGTON.

Section 2. Page 133 of the Official Land Use Map, SMC 23.32.016, is amended to rezone the Property described above and shown in Exhibit A to this ordinance, from Single Family 5000 (SF 5000) to Seattle Mixed/Residential with a 65 foot height limit (SM/R-65). Approval of this rezone is conditioned upon compliance with the Property Use and Development Agreement approved 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.

Section 4. The City Clerk is hereby authorized and directed to file said Property Use and Development Agreement at the King County Records and Elections Division; to file, upon



1 return of the recorded agreement from the King County Records and Elections Division, the
2 original of said Property Use and Development Agreement with this Ordinance at the City
3 Clerk's Office; and to deliver copies of the same to the Director of the Department of Planning
4 and Development and to the King County Assessor's Office.

5 Section 5. This Ordinance, effectuating a quasi-judicial decision of the City Council
6 and not subject to mayoral approval or disapproval, shall take effect and be in force thirty (30)
7 days from and after its passage and approval by the City Council. The new zoning designation
8 shall take effect as provided by SMC 23.76.058.

9
10 Passed by the City Council the 6th day of May, 2013, and
11 signed by me in open session in authentication of its passage this
12 6th day of May, 2013.

13
14
15 James L. ...
16 President _____ of the City Council

17 Filed by me this 6th day of May, 2013.

18
19 Donald B. Simmons
20 City Clerk

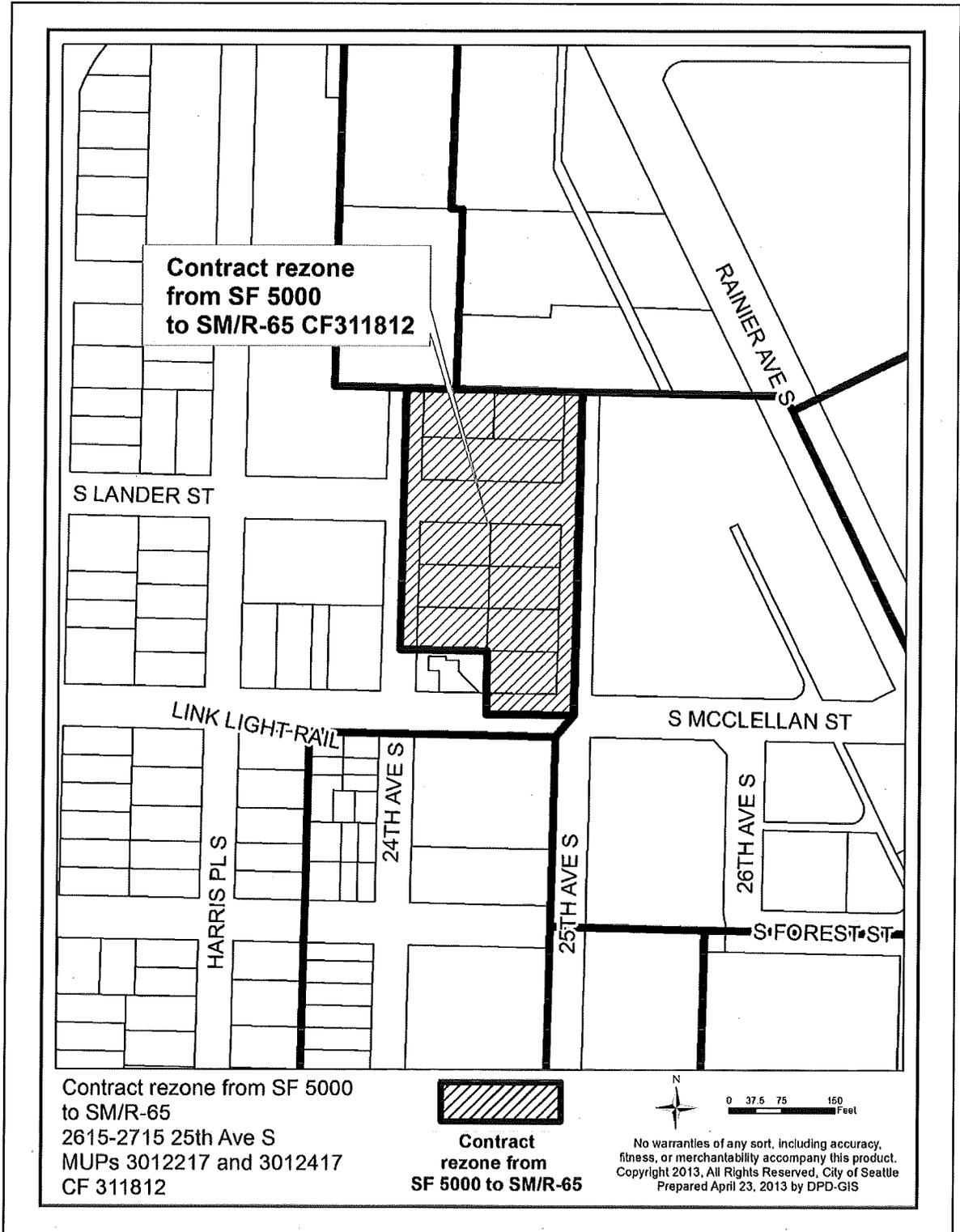
21 (Seal)

22
23
24 Exhibit A: Rezone Map;

25 Exhibit B: Property Use and Development Agreement



EXHIBIT A – REZONE ORDINANCE – 2615 – 25th Avenue S and 2715 – 25th Avenue S



When Recorded, Return to:
THE SEATTLE CITY CLERK
600 Fourth Ave, Floor 3
PO Box 94728
Seattle, WA 98124-4728

PROPERTY USE AND DEVELOPMENT AGREEMENT

Grantors: Trenton Associates-McClellan, LLC, a Washington limited liability company

Grantee: The City of Seattle, a Washington charter city

Legal Description:

LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 AND 14, BLOCK 2, MCARTHUR'S ADDITION TO THE CITY OF SEATTLE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 11 OF PLATS, PAGE(S) 92, IN KING COUNTY, WASHINGTON; AND

LOTS 1, 2, 3, 4, 5, 6, 7 AND 8, BLOCK 5, MCARTHUR'S ADDITION TO THE CITY OF SEATTLE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 11 OF PLATS, PAGE(S) 92, IN KING COUNTY, WASHINGTON.

Legal Description	Tax Parcel Number
Lots 1 and 2, Block 2, McArthur's Addition	526030-0135
Lots 3 and 4, Block 2, McArthur's Addition	526030-0140
Lots 5 and 6, Block 2, McArthur's Addition	526030-0155
Lots 7 and 8, Block 2, McArthur's Addition	526030-0165
Lots 9 and 10, Block 2, McArthur's Addition	526030-0175
Lots 11 and 12, Block 2, McArthur's Addition	526030-0185
Lots 13 and 14, Block 2, McArthur's Addition	526030-0195

Legal Description	Tax Parcel Number
Lots 1, 2, 7 & 8, Block 5, McArthur's Addition	526030-0275
Lots 3 and 4, Block 5, McArthur's Addition	526030-0283
Lots 5 and 6, Block 5, McArthur's Addition	526030-0290

THIS PROPERTY USE AND DEVELOPMENT AGREEMENT ("Agreement") is executed as of this _____ day of _____, 2013, in favor of the CITY OF SEATTLE, a Washington charter city (the "City"), by TRENTON ASSOCIATES-MCCLELLAN, LLC, a Washington limited liability company (the "Owner").

RECITALS

A. Owner is the owner of that certain real property legally described as: Lots 1-14 of Block 2, and Lots 1-8 of Block 5, McArthur's Addition, according to the plat thereof recorded in Volume 11 of plats, page 92, in King County, Washington. (the "Property"). The Property is located in the City of Seattle and is zoned Single Family 5000 (SF5000). Exhibit 1 to this Agreement shows the location of the Property and the area to be rezoned.

B. On or around September 16, 2011, the Owner submitted to the City a request to rezone the Property from SF5000 to Seattle Mixed/Residential with a 65-foot height limit (SM/R-65), as authorized under Seattle Municipal Code (SMC) Section 23.34 (the "Rezone"). The Rezone would allow proposed development at the Property that will include two seven-story mixed use structures, as reflected in Master Use Permit Nos. 3012417 and 3012217.

C. 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:

1. Agreement. Pursuant to SMC 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:

- a. Future development of the Property shall be those improvements in substantial conformance with the approved plans for Master Use Permit numbers 3012217 and 3012247, dated September 6, 2012, and as presented to the Hearing Examiner as Exhibit 2 at the public hearing on January 28, 2013.
- b. Prior to the granting of any Certificate of Occupancy for either or both of the proposed structures, the Owner will supply, in lieu of other improvements to the 24th Avenue South right-of-way, a plan and timetable for development of a pedestrian access path from South McClellan Street to the Cheasty Greenbelt, substantially as contained in the plans presented to the Hearing Examiner on January 28, 2013. Should the Owner, having otherwise met the standard requirements for a Certificate of Occupancy for either or both of the proposed structures, be unable to secure plan approval from the Seattle Department of Transportation, the Department of Parks and Recreation, and the Department of Planning and Development, the Owner may instead grant to the Department of Parks and Recreation an easement suitable to accommodate future development of a pedestrian access path from South McClellan Street to the Cheasty Greenbelt where such path crosses the Property. The easement must be utilized by the Department of Parks and Recreation for use of the pedestrian path within ten years of its granting, or the easement will expire. Should the

easement be utilized by the Department of Parks and Recreation for use of the pedestrian path, the easement will remain in perpetuity.

- c. In cooperation and coordination with Seattle Public Utilities, the Owner shall undertake a capacity study of the existing sewer system on either side of South Lander Street servicing the Property and provide, if deemed necessary after analysis of the capacity study, improvements to the sewer infrastructure that are deemed adequate by the City to provide capacity to serve the proposed developments.

2. Agreement Runs with the Land. This Agreement shall be recorded in the real property records of King County. 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 in the Property.

3. Termination. The covenants herein shall expire as provided in SMC 23.76.060.C .

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 and in compliance with SMC 23.76.058.C.

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.

6. No Precedent. The conditions contained in this Agreement are based on the unique circumstances applicable to this Property and this Agreement is not intended to establish precedent for other rezones in the surrounding area.

7. Benefited. This Agreement is made for the benefit of the City and for the benefit of the owners of property within 300 feet of the Property and either the City or any such property owners may institute and prosecute any proceeding at law or in equity to enforce this Agreement.

8. Repeal as Additional Remedy. Owner acknowledges that compliance with the conditions of this Agreement is a condition of the Rezone and that if Owner or its successor(s) avails itself of the benefits of the Rezone but then fails to comply with the conditions of this Agreement, in addition to pursuing any other remedy, the City may revoke the Rezone by ordinance and require the use of the Property to conform to the requirements of the SF 5000 zone, the original zoning of the Property prior to the Rezone.

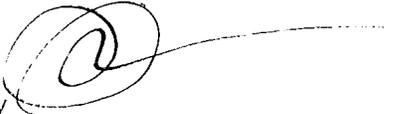
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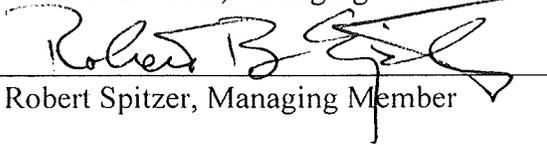
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Signed this 3rd day of May, 2013 by:

TRENTON ASSOCIATES-MCCLELLAN,
LLC, a Washington limited liability company

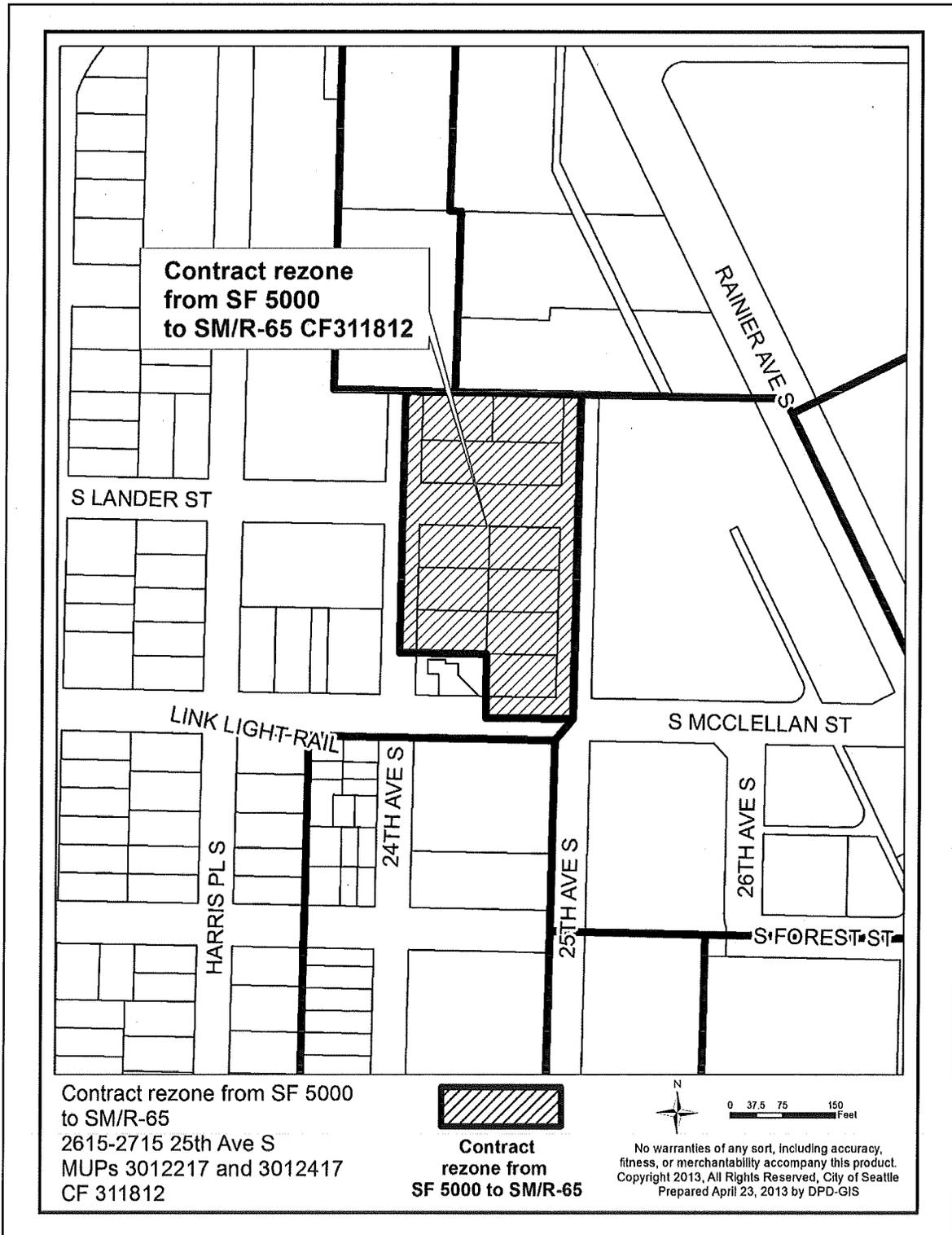
By 

Michael D. Ross, Managing Member

By 

Robert Spitzer, Managing Member

EXHIBIT 1 – REZONE ORDINANCE – 2615 – 25th Avenue S and 2715 – 25th Avenue S



FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Legislative	Michael Jenkins, 5-1674	NA

Legislation Title:

AN ORDINANCE relating to land use and zoning; amending the Official Land Use Map to rezone properties located at 2615 25th Avenue South and 2715 – 25th Avenue South, from Single Family 5000 (SF 5000) to Seattle Mixed/Residential with a 65 foot height limit (SM/R-65).

Summary of the Legislation:

This legislation rezones two properties at 2615 – 25th Ave S and 2715 – 25th Ave. S, in the North Rainier Residential Urban Village of Southeast Seattle. The rezone would change the existing zoning at the properties from Single Family 5000 (SF 5000) to Seattle Mixed/Residential with a 65 foot height limit (SM/R-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, 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 311812.

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 rezone. The rezone petitioner anticipates development of a mixed use project on the site.

- *Please check one of the following:*

X **This legislation does not have any financial implications.**



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

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THIS VERSION IS NOT ADOPTED



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THIS VERSION IS NOT ADOPTED



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THIS VERSION IS NOT ADOPTED

Signed this ____ day of _____, 2013 by:

TRENTON ASSOCIATES-MCCLELLAN,
LLC, a Washington limited liability company

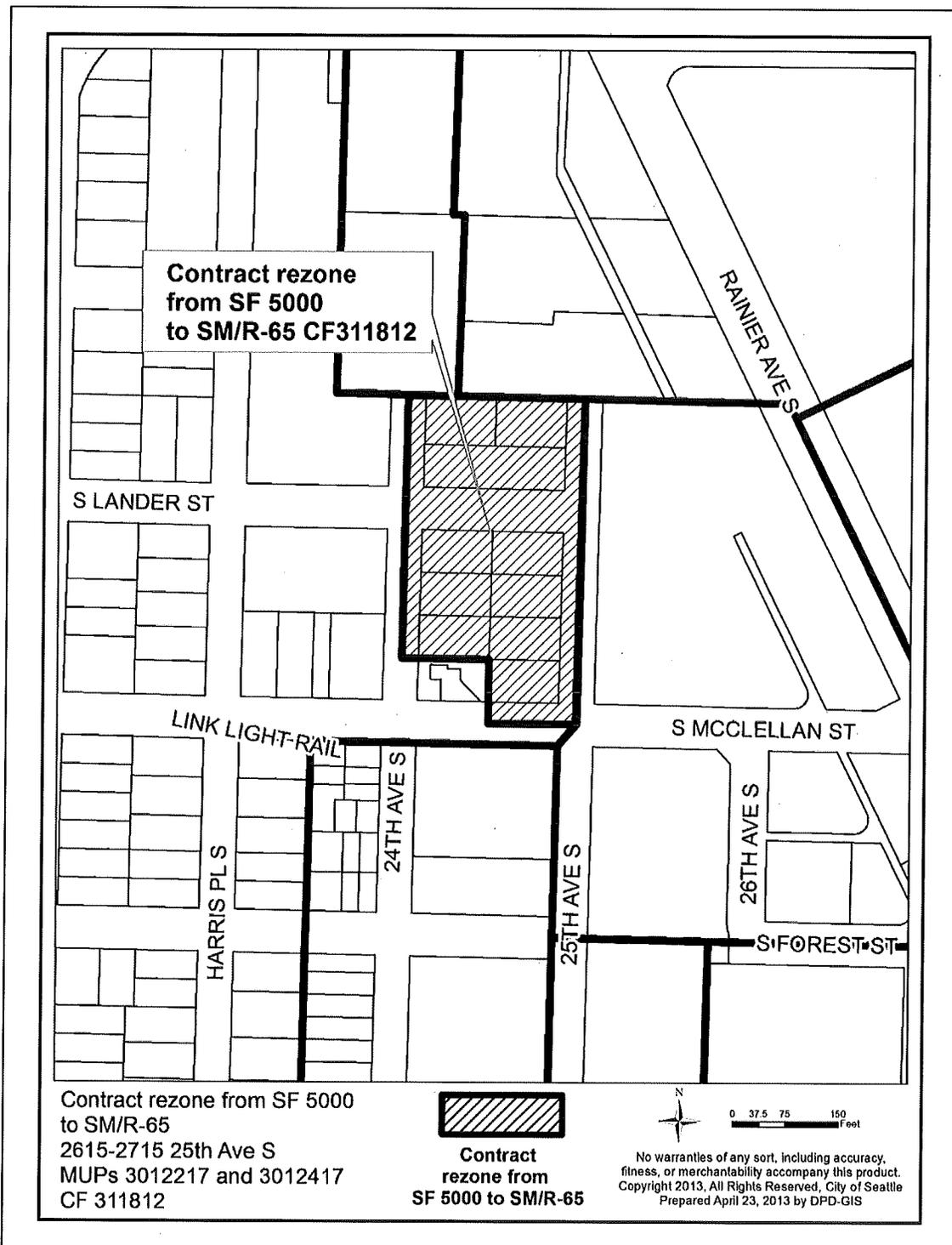
By _____
Michael D. Ross, Managing Member

By _____
Robert Spitzer, Managing Member

THIS VERSION IS NOT ADOPTED



Exhibit 1 – Sites to be rezoned



THIS VERSION IS NOT ADOPTED



STATE OF WASHINGTON -- KING COUNTY

--SS.

298057
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.

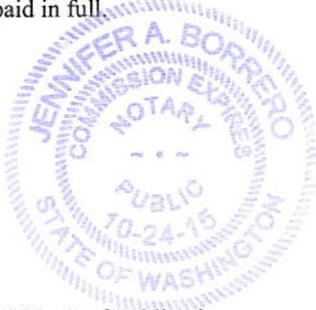
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:124170-124176 TITLE

was published on

05/23/13

The amount of the fee charged for the foregoing publication is the sum of \$156.75 which amount has been paid in full.



Affidavit of Publication

A handwritten signature in blue ink, appearing to be "Michael", written over a horizontal line.

Subscribed and sworn to before me on

05/23/2013

A handwritten signature in blue ink, appearing to be "Jennifer Borrero", written over a horizontal line.

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

The full text of the following legislation, passed by the City Council on May 6, 2013, and published below by title only, will be mailed upon request, or can be accessed at <http://clerk.seattle.gov>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>. Contact: Office of the City Clerk at (206) 684-8344.

ORDINANCE NO. 124170

AN ORDINANCE relating to land use and zoning; amending the Official Land Use Map to rezone properties located at 2615 25th Avenue South and 2715 -- 25th Avenue South, from Single Family 5000 (SF 5000) to Seattle Mixed/Residential with a 65 foot height limit (SM/R-65).

ORDINANCE NO. 124172

AN ORDINANCE related to land use and zoning, modifying function and locational criteria for the Seattle Mixed zone; modifying use provisions and development standards; enacting and amending affordable housing incentive programs; enacting and amending provisions for height and density bonuses and transfer of development rights; amending Sections 23.34.128, 23.41.012, 23.45.510, 23.45.516, 23.45.574, 23.47A.035, 23.48.002, 23.48.004, 23.48.010, 23.48.011, 23.48.012, 23.48.014, 23.48.017, 23.48.020, 23.48.024, 23.48.026, 23.48.028, 23.48.030, 23.48.032, 23.48.034, 23.48.035, 23.48.036, 23.48.038, 23.49.008, 23.49.010, 23.49.011, 23.49.023, 23.50.026, 23.50.027, 23.50.028, 23.50.053, 23.57.005, 23.57.008, 23.57.012, 23.58A.002, 23.58A.004, 23.58A.012, 23.58A.014, 23.58A.022, 23.58A.024, 23.58A.026, 23.66.032, 23.84A.030, 23.84A.032, 23.84A.038, 23.86.006; repealing Sections 23.48.006, 23.48.008, 23.48.016, 23.48.018, 23.48.019, 23.50.051, 23.50.052, 23.58A.013, 23.58A.016, 23.58A.018, 23.58A.023; adding new sections 23.48.008, 23.48.009, 23.48.013, 23.48.022, 23.48.025, 23.58A.003, 23.58A.040, 23.58A.042, and 23.58A.044; and amending the Official Land Use Map, Chapter 23.32, at pages 101 and 102 to rezone areas within the South Lake Union Urban Center.

ORDINANCE NO. 124173

AN ORDINANCE amending the 2012 Adopted Budget, including the 2012-2017 Capital Improvement Program (CIP); changing appropriations to various departments and from various funds in the Budget; revising project allocations for certain projects in the 2012-2017 CIP; and ratifying and confirming certain prior acts; all by a 3/4 vote of the City Council.

ORDINANCE NO. 124174

AN ORDINANCE relating to the 2013 Budget; carrying forward certain unexpended appropriations and funds for non-capital purposes from the 2012 budget of various departments; ratifying and confirming certain prior acts, all by a 3/4 vote of the City Council.

ORDINANCE NO. 124175

AN ORDINANCE establishing a ten-year Downtown Parking and Business Improvement Area to be known as the Metropolitan Improvement District; levying special assessments upon operators of the business property, multi-family residential property (buildings containing four or more residential units), and mixed-use property (multi-family residential and commercial) within the area; providing for the deposit of revenues in a special account and expenditures therefrom; providing for collection of and penalties for delinquencies; providing for the establishment of a Ratepayers Advisory Board; providing for an implementation agreement with a Program Manager; disestablishing the current Downtown Parking and Business Improvement Area that was established by Ordinance 121482 ("2004 DBIA"); suspending the issuance of assessments and providing for the winding up of activities under the 2004 DBIA; and providing for the distribution of remaining funds from and closing of the 2004 DBIA Account.

ORDINANCE NO. 124176

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

Date of publication in the Seattle Daily Journal of Commerce, May 23, 2013.

5/23(298057)