

Ordinance No. 121959

Council Bill No. 115403

AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 104 of the Official Land Use Map (Volume 4 of Plats, page 27, Records of King County) to rezone property located at 321 15th Avenue East, from Lowrise 3 (L 3) to Neighborhood Commercial 2 with a forty foot height limit (NC2 40) and accepting a Property Use and Development Agreement in connection therewith. (Petition of Kurt Pryde Development, C.F. 306909, Project Number 2302021)

CF No. \_\_\_\_\_

Date Introduced:	SEP 26 2005	
Date 1st Referred:	SEP 26 2005	To: (committee) Urban Development & Planning
Date Re - Referred:		To: (committee)
Date Re - Referred:		To: (committee)
Date of Final Passage:	10-10-05	Full Council Vote: 9-0
Date Presented to Mayor:		Date Approved:
Date Returned to City Clerk:	10/10/05	Date Published: 3PK' T.O. F.T. <input checked="" type="checkbox"/>
Date Vetoed by Mayor:		Date Veto Published:
Date Passed Over Veto:		Veto Sustained:

# The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: Peter Stantman

Councilmember

## Committee Action:

Passed  
3-0  
PS, TR, RC

10-3-05 Hed to Oct 10, 2005

10-10-05 Passed 9-0

This file is complete and ready for presentation to Full Council. Committee: \_\_\_\_\_ (initial/date)

*Law Department*

Law Dept. Review

OMP Review

City Clerk Review

Electronic Copy Loaded

Indexed

ORDINANCE 121959

AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 104 of the Official Land Use Map (Volume 4 of Plats, page 27, Records of King County) to rezone property located at 321 15<sup>th</sup> Avenue East, from Lowrise 3 (L 3) to Neighborhood Commercial 2 with a forty foot height limit (NC2 40) and accepting a Property Use and Development Agreement in connection therewith. (Petition of Kurt Pryde Development, C.F. 306909, Project Number 2302021)

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

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

LOTS 2, 3 AND 4, BLOCK 4, HIGHLANDS ADDITION TO THE CITY OF SEATTLE  
ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 4 OF PLATS, PAGE(S)  
27, IN KING COUNTY, WASHINGTON, EXCEPT PORTION CONDEMNED IN KING  
COUNTY SUPERIOR COURT CAUSE NUMBER 315419 FOR WIDENING OF 15<sup>TH</sup> AVENUE  
NORTH, AS PROVIDED BY ORDINANCE NO. 69196 OF THE CITY OF SEATTLE, AND

LOTS 1,2, AND 3, BLOCK 4, WILLIAMS ADDITION TO THE CITY OF SEATTLE,  
ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 1 OF PLATS, PAGE(S)  
161, IN KING COUNTY, WASHINGTON, (THE SAID LOT 1 BEING BETWEEN THE  
NORTH LINE OF SAID LOT 2 AND THE SOUTH LINE OF HIGHLANDS ADDITION TO  
THE CITY OF SEATTLE , ACCORDING TO THE PLAT THEREOF, RECORDED IN  
VOLUME 4 OF PLATS, PAGE 27, IN KING COUNTY, WASHINGTON),

TOGETHER WITH THAT PORTION OF 15<sup>TH</sup> AVENUE NORTH VACATED UNDER  
ORDINANCE NO. 30342 OF THE CITY OF SEATTLE, EXCEPT THAT PORTION THEREOF  
INCLUDED WITHIN 15<sup>TH</sup> AVENUE NORTH AS WIDENED PURSUANT TO JUDGMENT  
OF CONDEMNATION OF SUPERIOR COURT CAUSE NUMBER 315419 UNDER  
ORDINANCE NO. 69106 OF THE CITY OF SEATTLE, AND EXCEPT THAT PORTION OF  
SAID LOT 3 CONDEMNED BY THE CITY OF SEATTLE PURSUANT TO ORDINANCE



1 NO. 7337 OF THE CITY OF SEATTLE FOR EAST THOMAS STREET IN THE CITY OF  
2 SEATTLE, WASHINGTON.

3  
4 Section 2. The Official Land Use Map zone classification for the Property, as adopted by  
5 Ordinance 110381 and established on page 104 of the Official Land Use Map, is amended to rezone the  
6 Property from Lowrise 3 (L 3) to Neighborhood Commercial 2 with a forty foot height limit (NC2 40),  
7 as shown in "Exhibit A," attached to this Ordinance.

8 Section 3. The Property Use and Development Agreement, in substantially the same form as that  
9 attached to this Ordinance as "Exhibit B," executed by Pryde Johnson Urban Environments, L.L.C.,  
10 ("Owners") of the Property, by which said Owners agree to certain restrictions upon the Property to  
11 ameliorate the adverse impacts of uses and developments otherwise permitted in the NC2 40 zone upon  
12 property in the vicinity, is hereby approved and accepted.

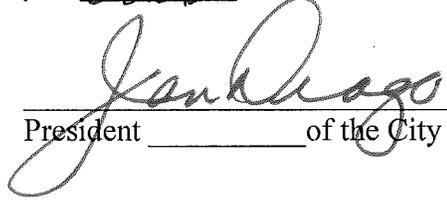
13 Section 4. The City Clerk is hereby authorized and directed to file said Property Use and  
14 Development Agreement and a copy of this ordinance at the King County Records, Elections and  
15 Licensing Services Division to file, upon return of the recorded agreement from the King County  
16 Records, Elections and Licensing Services Division, the original of said Property Use and Development  
17 Agreement with this Ordinance at the City Clerk's Office: and to deliver copies of the same to the  
18 Director of the Department of Planning and Development and to the King County Assessor's Office.

19 Section 5. This Ordinance, effectuating a quasi-judicial decision of the City Council and not  
20 subject to mayoral approval or disapproval, shall take effect and be in force thirty (30) days from and  
21 after its passage and approval by the City Council.

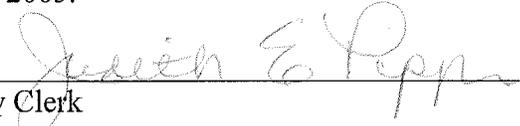


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Passed by the City Council the 10<sup>th</sup> day of October, 2005, and signed by me in open session  
in authentication of its passage this 10<sup>th</sup> day of October, 2005.

  
\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Filed by me this 10 day of Oct, 2005.

  
\_\_\_\_\_  
City Clerk

(Seal)

**Exhibit A:** Rezone Map

**Exhibit B:** Property Use and Development Agreement



### Exhibit A (Rezone Map)

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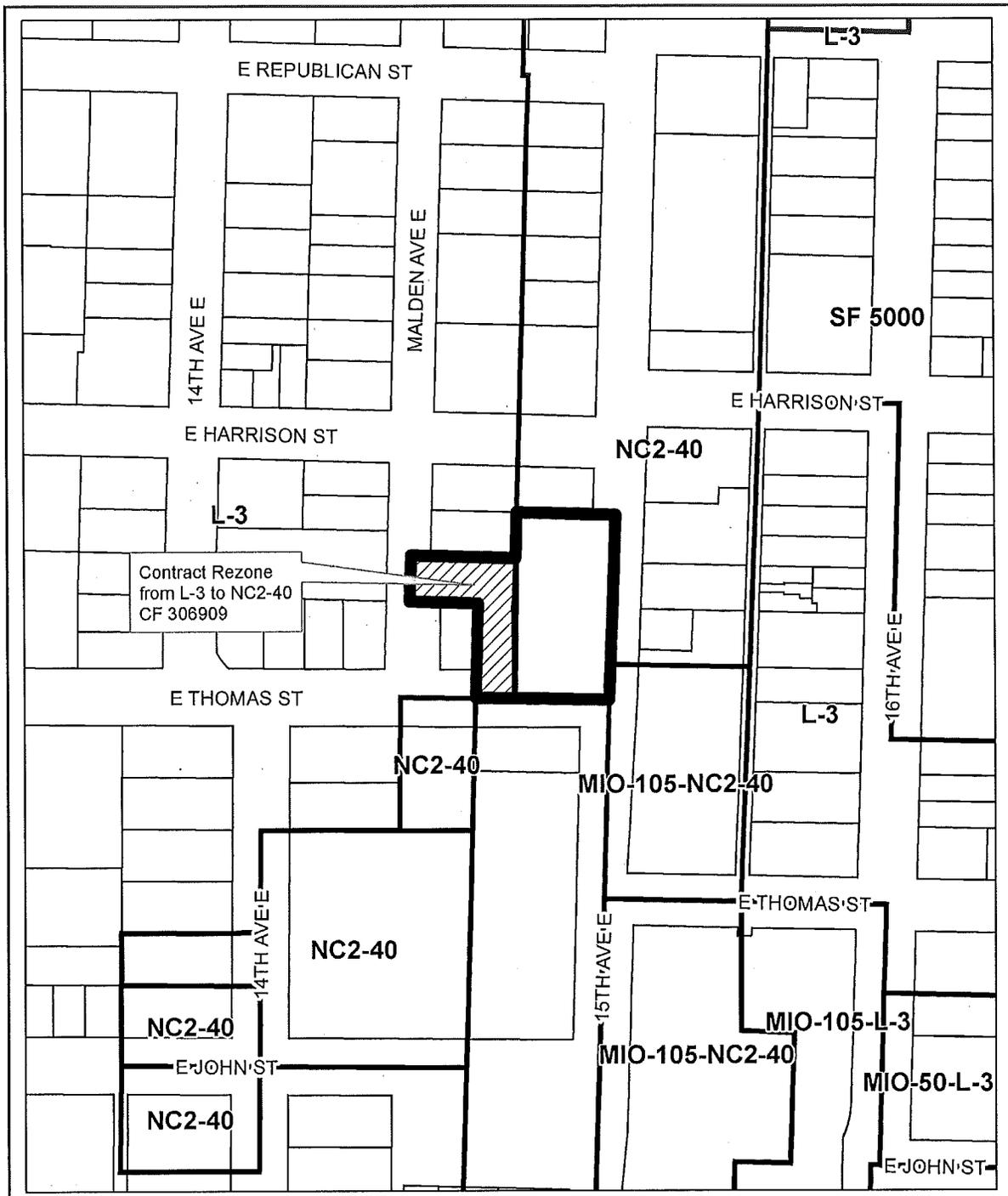
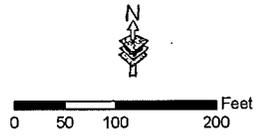


Exhibit "A"  
Contract Rezone from L-3 to NC2-40  
321 15th Ave E, Clerk's file 306909  
DPD project # 2302021

 Rezone area  
 Area subject to the  
Property Use and  
Development Agreement



No warranties of any sort, including accuracy, fitness, or merchantability accompany this product. Copyright 2005, All Rights Reserved, City of Seattle, prepared September 5, 2005 by DPD-GIS



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**Exhibit B**  
**Property Use and Development Agreement**



**Return Address:**

Seattle City Clerk's Office

600 4th Avenue, Floor 3

P O Box 94728

Seattle, WA 98124 - 4728



**20051025001250**

SEATTLE CITY C ORD 36.00  
PAGE 001 OF 005  
10/25/2005 13:36  
KING COUNTY, WA

WASHINGTON STATE RECORDER'S Cover Sheet (RCW 65.04)

Please print or type information

**Document Title(s)** (or transaction contained therein): (Insert Ordinance or Resolution Number Here)

1. Ordinance No. 121959

AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 104 of the Official Land Use Map (Volume 4 of Plats, page 27, Records of King County) to rezone property located at 321 15th Avenue East, from Lowrise 3 (L 3) to Neighborhood Commercial 2 with a forty foot height limit (NC2 40) and accepting a Property Use and Development Agreement in connection therewith. (Petition of Kurt Pryde Development, C.F. 306909, Project Number 2302021)

FILED  
CITY OF SEATTLE  
05 NOV 29 AM 9 42  
CITY CLERK

**Grantor(s)**

- 1. City of Seattle
- Additional names on page \_\_\_ of document.

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

- 1. N/A
- 2.
- 3.

**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**

#

- Assessor Tax # not yet assigned.
- N/A

ORDINANCE 121959

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Section 2. The Official Land Use Map zone classification for the Property, as adopted by Ordinance 110381 and established on page 104 of the Official Land Use Map, is amended to rezone the Property from Lowrise 3 (L 3) to Neighborhood Commercial 2 with a forty foot height limit (NC2 40), as shown in "Exhibit A," attached to this Ordinance.

Section 3. The Property Use and Development Agreement, in substantially the same form as that attached to this Ordinance as "Exhibit B," executed by Pryde Johnson Urban Environments, L.L.C., ("Owners") of the Property, by which said Owners agree to certain restrictions upon the Property to ameliorate the adverse impacts of uses and developments otherwise permitted in the NC2 40 zone upon property in the vicinity, is hereby approved and accepted.

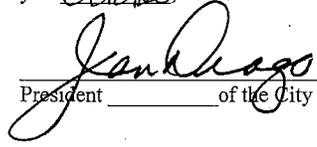
Section 4. The City Clerk is hereby authorized and directed to file said Property Use and Development Agreement and a copy of this ordinance at the King County Records, Elections and Licensing Services Division to file, upon return of the recorded agreement from the King County Records, Elections and Licensing Services 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.

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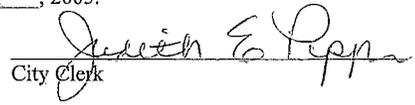


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Passed by the City Council the 10<sup>th</sup> day of October, 2005, and signed by me in open session  
in authentication of its passage this 10<sup>th</sup> day of October, 2005.

  
\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Filed by me this 10 day of Oct, 2005.

  
\_\_\_\_\_  
City Clerk

(Seal)

- Exhibit A: Rezone Map
- Exhibit B: Property Use and Development Agreement



Exhibit A (Rezone Map)

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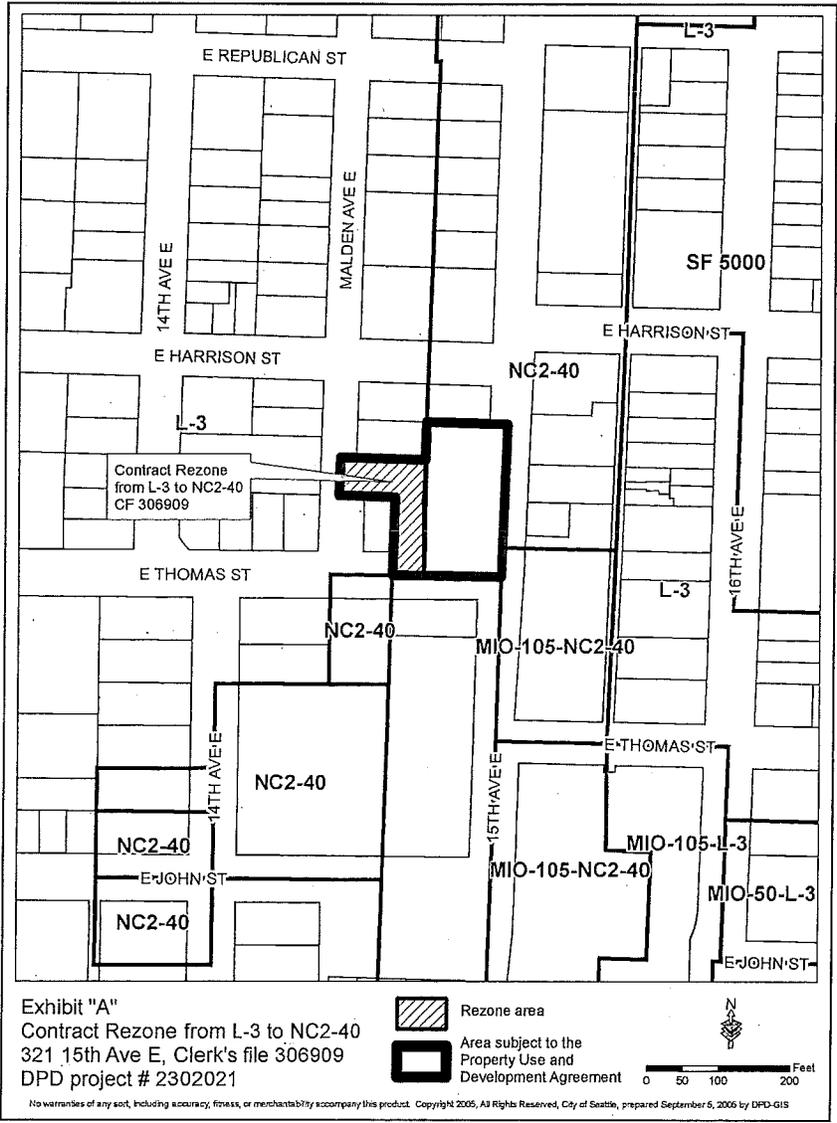
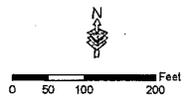


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Contract Rezone from L-3 to NC2-40  
321 15th Ave E, Clerk's file 306909  
DPD project # 2302021

 Rezone area  
 Area subject to the  
Property Use and  
Development Agreement



No warranties of any sort, including accuracy, fitness, or merchantability accompany this product. Copyright 2005, All Rights Reserved, City of Seattle, prepared September 5, 2005 by DPD-GIS



original with  
King County  
for recording  
me

WHEN RECORDED RETURN TO

The City of Seattle  
First Floor, Municipal Building  
600 4<sup>th</sup> Avenue  
Seattle, WA 98104

Washington State Recorder's Cover Sheet (RCW 65.01)

<b>Document Title:</b> Property Use and Development Agreement
<b>Reference Number(s) of Related Documents:</b>
<b>Grantor(s):</b> 1. KeyBank National Association 2.
<b>Grantee(s):</b> 1. City of Seattle 2.
<b>Abbreviated Legal Description:</b> Lots 2, 3 and 4, Block 4 Highlands Addition to the City of Seattle; Lots 1, 2 and 3, Block 4, Williams Addition to City of Seattle, according to the Plat recorded in Volume 1 of Plats, Page 161, in King County, Washington <input checked="" type="checkbox"/> Additional legal on Exhibit A of document.
<b>Assessor's Tax Parcel/Account Numbers:</b> 3303700240
<b>Reference Nos. of Documents or Assigned:</b>



### PROPERTY USE AND DEVELOPMENT AGREEMENT

This Property Use and Development Agreement (the "Agreement") is executed this \_\_\_\_\_ day of \_\_\_\_\_, 2005, in favor of the City of Seattle, a Washington municipal corporation (herein called "City"), by KeyBank National Association, a national banking association, ("Owner").

#### RECITALS

- A. KeyBank National Association is the Owner of that certain real property in the City of Seattle legally described on Exhibit A attached hereto and incorporated herein by this reference ("Property" herein). The Property address is 321 15<sup>th</sup> Avenue East in the Capitol Hill neighborhood of Seattle.
- B. According to the City of Seattle zoning maps, the Property currently has two different zoning designations: the eastern portion of the Property is zoned NC2-40; (with a Pedestrian-2 Overlay) the western portion is zoned L-3.
- C. The Property is currently developed with a one-story branch bank with drive through banking facilities. The bank drive through lane, passing lane and canopy are located in the L-3 portion of this site. Access to the site currently exists from 15<sup>th</sup> Avenue East, East Thomas Street and Malden Street.
- D. On February 26, 2004, Pryde Development, LLC, on its own and Owner's behalf, submitted to the City of Seattle an application to rezone the L-3 zoned portion of the Property to NC2-40, subject to a Property Use and Development Agreement. The purpose of the application is to allow the Property to be redeveloped with a mixed-use building with three levels of residential units above a commercial ground floor, which would incorporate the drive through branch bank. Because the Pedestrian-2 Overlay would prohibit curb cuts on 15<sup>th</sup> Avenue East, continuing access to the site through the L-3 portion of this site is required to enable continued drive through use. Because the parking and drive through lanes are accessory to the commercial, banking use, rezoning of the L-3 portion of the Property is required.
- E. 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 which could occur from unrestricted use and development permitted in the zone."
- F. Owner desires the City to rezone the western portion of the Property to NC2-40, pursuant to SMC 23.34.004 to facilitate redevelopment of the Property and the City is willing to rezone the Property pursuant to the Owner's Agreement to ensure the redevelopment of the Property does not permit unrestricted commercial development to occur.



## AGREEMENT

1. Zone Changes Limited to Current Proposal. Pursuant to SMC 23.34.004, the Owner hereby covenants, bargains and agrees, on behalf of itself and its successor and assigns, that it will comply with the following limitations and conditions in consideration of the rezone of the western portion of the Property from L-3 to NC2-40: The changes in zone designation are established only for development of a project substantially the same in height, design, materials and site layout and with substantially the same amenities and improvements, both public and private, as depicted in the approval application for MUP 2302021 and represented in the Clerk's File 306909.

2. Agreement Runs With the Land. This Property Use and Development Agreement ("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; provided the covenants herein and the rezone shall expire and be of no force and effect five (5) years from the effective date of the approval of this rezone unless an application is filed for a building permit for the building contemplated in the MUP 2302021 and that building is completed and a Certificate of Occupancy obtained from DCLU within the time permit authority is active and valid.

3. Amendment, Exercise of Police Power, No Precedent. This Agreement may be amended or modified by agreement between Owner and the City, provided such amended agreement shall be approved by the legislative authority of the City by ordinance. Nothing in this Agreement shall prevent the City Council from making such further amendments to the Land Use Code or exercising the City's police power as it may deem necessary in the public interest. Owner agrees that nothing in this Agreement is intended to authorize any use or dimension not otherwise permitted in a NC2-40 zone. 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.

4. Benefited. This Agreement is made for the benefit of the City and for the benefit of the Owners of the 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.



SIGNED this 5<sup>th</sup> day of OCTOBER, 2005.

GRANTOR:

KEYBANK NATIONAL ASSOCIATION

*Mark O. Pass*

By: Mark O. Pass

Its: Vice President

GRANTEE:

CITY OF SEATTLE

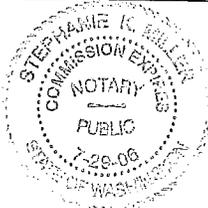
By: \_\_\_\_\_  
Its: \_\_\_\_\_

STATE OF WASHINGTON )

COUNTY OF PERCE ) ss.

I certify that I know or have satisfactory evidence that Mark O. Pass is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he is authorized to execute the instrument and acknowledged it as a Vice President of KeyBank National Association to be his free and voluntary act of such parties for the uses and purposes mentioned in this instrument.

DATED: OCTOBER 5<sup>th</sup> 2005



Print Name: STEPHANIE MILLER  
NOTARY PUBLIC for the State of  
Washington, residing at  
LAKEWOOD

My appointment expires:  
07/29/06





**Exhibit A**

[Legal Description of Grantor's Property]

Location:

Project site is located in Seattle at the corner of 15<sup>th</sup> Avenue East and East Thomas Street, 321 15<sup>th</sup> Avenue East.

Legal Description:

Lots 2, 3 and 4, Block 4 Highlands Addition to the City of Seattle, according to the Plat thereof, recorded in Volume 4 of Plats, Page 27, in King County, Washington; except portion condemned in King County Superior Court Case No. 315419 for widening of 15<sup>th</sup> Avenue East, as provided by Ordinance No. 69106 of the City of Seattle; and

Lots 1, 2 and 3, Block 4, Williams Addition to the City of Seattle, according to the Plat thereof, recorded in Volume 1 of Plats, Page 161, in King County, Washington (the said Lot 1 being between the north line of said Lot 2 and the south line of Highland Addition to the City of Seattle, according to the Plat thereof, recorded in Volume 4 of Plats, Page 27, in King County, Washington).

Together with that portion of 15<sup>th</sup> Avenue East vacated under Ordinance No. 30342 of the City of Seattle; except that portion thereof included within 15<sup>th</sup> Avenue East as widened pursuant to the Judgment of Condemnation of Superior Court Case No. 315419 under Ordinance No. 69106 of the City of Seattle; and except that portion of said Lot 3 condemned by the City of Seattle pursuant to Ordinance No. 7337 of the City of Seattle for East Thomas Street, in the City of Seattle, Washington.



**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>DOF Analyst/Phone:</b>
Legislative	Ketil Freeman 4-8178	NA

**Legislation Title:**

AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 104 of the Official Land Use Map (Volume 4 of Plats, page 27, Records of King County) to rezone property located at 321 15<sup>th</sup> Avenue East, from Lowrise 3 (L 3) to Neighborhood Commercial 2 with a forty foot height limit (NC2 40) and accepting a Property Use and Development Agreement in connection therewith. (Petition of Kurt Pryde Development, C.F. 306909, Project Number 2302021)

• **Summary of the Legislation:**

This is legislation for a quasi-judicial rezone of portions of property located at 321 15<sup>th</sup> Avenue East in the Capitol Hill Urban Center. The proposed rezone would change the zone designation of the property from Lowrise 3 (L 3) multifamily residential to Neighborhood Commercial 2 with a 40 foot height limit (NC2 40) and adopt a Property Use and Development Agreement (PUDA) limiting development on the site.

• **Background:**

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 306909.

• *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.)*



WHEN RECORDED RETURN TO

**The City of Seattle**  
First Floor, Municipal Building  
600 4<sup>th</sup> Avenue  
Seattle, WA 98104

**Washington State Recorder's Cover Sheet (RCW 65.01)**

<b>Document Title:</b> Property Use and Development Agreement
<b>Reference Number(s) of Related Documents:</b>
<b>Grantor(s):</b> 1. Pryde 321, LLC 2.
<b>Grantee(s):</b> 1. City of Seattle 2.
<b>Abbreviated Legal Description:</b>  Lots 2, 3 and 4, Block 4 Highlands Addition to the City of Seattle; Lots 1, 2 and 3, Block 4, Williams Addition to City of Seattle, according to the Plat recorded in Volume 1 of Plats, Page 161, in King County, Washington  <input checked="" type="checkbox"/> Additional legal on Exhibit A of document.
<b>Assessor's Tax Parcel/Account Numbers:</b>
<b>Reference Nos. of Documents or Assigned:</b>



## PROPERTY USE AND DEVELOPMENT AGREEMENT

This Property Use and Development Agreement (the "Agreement") is executed this \_\_\_\_\_ day of \_\_\_\_\_, 2005, in favor of the City of Seattle, a Washington municipal corporation (herein called "City"), by Pryde 321, LLC, a Washington limited liability company, ("Owner").

### RECITALS

A. Pryde 321, LLC is the Owner of that certain real property in the City of Seattle legally described on Exhibit A attached hereto and incorporated herein by this reference ("Property" herein). The Property address is 321 15<sup>th</sup> Avenue East in the Capitol Hill neighborhood of Seattle.

B. According to the City of Seattle zoning maps, the Property currently has two different zoning designations: the eastern portion of the Property is zoned NC2-40; (with a Pedestrian-2 Overlay) the western portion is zoned L-3.

C. The Property is currently developed with a one-story branch bank with drive through banking facilities. The bank drive through lane, passing lane and canopy are located in the L-3 portion of this site. Access to the site currently exists from 15<sup>th</sup> Avenue East, East Thomas Street and Malden Street.

D. On February 26, 2004, Pryde Development, LLC, Owner's predecessor in interest, submitted to the City of Seattle an application to rezone the L-3 zoned portion of the Property to NC2-40, subject to a Property Use and Development Agreement. The purpose of the application is to allow the Property to be redeveloped with a mixed-use building with three levels of residential units above a commercial ground floor, which would incorporate the drive through branch bank. Because the Pedestrian-2 Overlay would prohibit curb cuts on 15<sup>th</sup> Avenue East, continuing access to the site through the L-3 portion of this site is required to enable continued drive through use. Because the parking and drive through lanes are accessory to the commercial, banking use, rezoning of the L-3 portion of the Property is required.

E. 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 which could occur from unrestricted use and development permitted in the zone."

F. Owner desires the City to rezone the western portion of the Property to NC2-40, pursuant to SMC 23.34.004 to facilitate redevelopment of the Property and the City is willing to rezone the Property pursuant to the Owner's Agreement to ensure the redevelopment of the Property does not permit unrestricted commercial development to occur.

## AGREEMENT

1. Zone Changes Limited to Current Proposal. Pursuant to SMC 23.34.004, the Owner hereby covenants, bargains and agrees, on behalf of itself and its successor and assigns, that it will comply with the following limitations and conditions in consideration of the rezone of the western portion of the Property from L-3 to NC2-40: The changes in zone designation are established only for development of a project substantially the same in height, design, materials and site layout and with substantially the same amenities and improvements, both public and private, as depicted in the approval application for MUP 2302021 and represented in the Clerk's File 306909.

2. Agreement Runs With the Land. This Property Use and Development Agreement ("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, provided the covenants herein and the rezone shall expire and be of no force and effect five (5) years from the effective date of the approval of this rezone unless an application is filed for a building permit for the building contemplated in the MUP 2302021 and that building is completed and a Certificate of Occupancy obtained from DCLU within the time permit authority is active and valid.

3. Amendment, Exercise of Police Power, No Precedent. This Agreement may be amended or modified by agreement between Owner and the City, provided such amended agreement shall be approved by the legislative authority of the City by ordinance. Nothing in this Agreement shall prevent the City Council from making such further amendments to the Land Use Code or exercising the City's police power as it may deem necessary in the public interest. Owner agrees that nothing in this Agreement is intended to authorize any use or dimension not otherwise permitted in a NC2-40 zone. 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.

4. Benefited. This Agreement is made for the benefit of the City and for the benefit of the Owners of the 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.





**Exhibit A**

[Legal Description of Grantor's Property]

Location:

Project site is located in Seattle at the corner of 15<sup>th</sup> Avenue East and East Thomas Street, 321 15<sup>th</sup> Avenue East.

Legal Description:

Lots 2, 3 and 4, Block 4 Highlands Addition to the City of Seattle, according to the Plat thereof, recorded in Volume 4 of Plats, Page 27, in King County, Washington; except portion condemned in King County Superior Court Case No. 315419 for widening of 15<sup>th</sup> Avenue East, as provided by Ordinance No. 69106 of the City of Seattle; and

Lots 1, 2 and 3, Block 4, Williams Addition to the City of Seattle, according to the Plat thereof, recorded in Volume 1 of Plats, Page 161, in King County, Washington (the said Lot 1 being between the north line of said Lot 2 and the south line of Highland Addition to the City of Seattle, according to the Plat thereof, recorded in Volume 4 of Plats, Page 27, in King County, Washington).

Together with that portion of 15<sup>th</sup> Avenue East vacated under Ordinance No. 30342 of the City of Seattle; except that portion thereof included within 15<sup>th</sup> Avenue East as widened pursuant to the Judgment of Condemnation of Superior Court Case No. 315419 under Ordinance No. 69106 of the City of Seattle; and except that portion of said Lot 3 condemned by the City of Seattle pursuant to Ordinance No. 7337 of the City of Seattle for East Thomas Street, in the City of Seattle, Washington.

