

Ordinance No. 122942

Council Bill No. 116481

AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 165 of the Official Land Use Map, to rezone property located at 6800 – 31st Ave SW from Single Family 5000 to a combination of Lowrise 2 (L2) and Lowrise 4 (L4) and authorizing acceptance of a Public Use and Development Agreement (PUDA) (Petition by Seattle Housing Authority, C.F. 309502, DPD Project 3009188).

Related Legislation File: _____

Date Introduced and Referred: <u>3-23-09</u>	To: (committee): <u>Full Council</u>
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: <u>3-30-09</u>	Date Presented to Mayor: _____
Date Signed by Mayor: _____	Date Returned to City Clerk: <u>3-30-09</u>
Published by Title Only	Date Vetoed by Mayor:
Published in Full Text <u>X</u> <u>Z</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: [Signature]

Committee Action:

Date	Recommendation	Vote

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

Full Council Action:

Date	Decision	Vote
<u>3/30/09</u>	<u>Pass</u>	<u>8-0 (excused 2D)</u>

Law Department

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2
3 **ORDINANCE** 122942

4 AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal
5 Code at page 165 of the Official Land Use Map, to rezone property located at 6800 – 31st Ave
6 SW from Single Family 5000 to a combination of Lowrise 2 (L2) and Lowrise 4 (L4) and
7 authorizing acceptance of a Public Use and Development Agreement (PUDA) (Petition by
8 Seattle Housing Authority, C.F. 309502, DPD Project 3009188).

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

9 Section 1. This Ordinance affects the property commonly known as 6800 – 31st Ave SW and
10 legally described in Exhibits A and B (the “Property.”).

11 Section 2. The Official Land Use Map zone classification for the Property, adopted by
12 Ordinance 110570 and last amended by Ordinance 122918, and established on page 165 of the Official
13 Land Use Map, is amended to rezone the Property from Single Family 5000 to a combination of Lowrise
14 4 (L4) and Lowrise 2 (L2), as depicted in Exhibit C to this Ordinance and as documented in Exhibit 9 of
15 Clerk’s File 309501.

16 Section 3. The City Council authorizes acceptance of the Property Use and Development
17 Agreement (PUDA) executed by the owner of the Property pursuant to Ordinance 121164 and recorded
18 at King County, Recording No. 20030617002339, by which the owner agreed to restrictions upon the
19 use and development of the Property to ameliorate the adverse impacts of uses and developments that
20 would otherwise be permitted in the L4 and L2 zones, which restrictions are directly related to the
21 impacts expected to result from the rezone, and which restrictions were included in that PUDA recorded
22 pursuant to Ordinance 121164.



1 Section 4. Pursuant to SMC Section 23.76.060.B.1.b, the rezone of the Property shall expire
2 and be of no force or effect ten (10) years from the effective date of the rezone approved in Ordinance
3 121164 or, if construction permits have been applied for or issued at that time, until expiration of those
4 permits. This is the same expiration date as for the rezone of the rest of the High Point redevelopment
5 site approved by Ordinance 121164.

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

9
10 Passed by the City Council the 30th day of March, 2009, and signed by me in open session
11 in authentication of its passage this 30th day of March, 2009.

12
13 
President _____ of the City Council

14 Approved by me this 30th day of March, 2009.

15
16
17 
18 City Clerk

19 (Seal)

20
21
22 **Exhibit A:** Legal Description of rezone area from Single Family 5000 to Lowrise 4

23 **Exhibit B:** Legal Description of rezone area from Single Family 5000 to Lowrise 2

24 **Exhibit C:** Rezone Map



Exhibit A

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3 THAT PORTION OF BLOCK 34 OF HIGH POINT COMMUNITY, ACCORDING TO THE PLAT
4 THEREOF RECORDED IN VOLUME 221 OF PLATS, PAGES 4 THROUGH 35, RECORDS OF
5 KING COUNTY, WASHINGTON, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

6 COMMENCING AT THE SOUTHEAST CORNER OF SAID BLOCK 34;
7 SAID CORNER BEING 30.00 FEET DISTANT AND AT RIGHT ANGLES TO THE
8 MONUMENTED CENTERLINE OF RIGHT OF WAY OF SOUTHWEST MYRTLE STREET;
9 THENCE NORTH 07°56'03" WEST 202.14 FEET ALONG THE EASTERLY LINE OF
10 SAID BLOCK 34 TO A POINT LYING 230.00 FEET DISTANT AND AT RIGHT
11 ANGLES TO SAID CENTERLINE OF SOUTHWEST MYRTLE STREET AND THE TRUE
12 POINT OF BEGINNING;
13 THENCE CONTINUING NORTH 07°56'03" WEST 145.21 FEET ALONG SAID
14 EASTERLY LINE TO AN ANGLE POINT THEREIN;
15 THENCE NORTH 11°34'37" WEST 266.07 FEET TO THE SOUTH MARGIN OF
16 VACATED SOUTHWEST WILLOW STREET;
17 THENCE NORTH 89°35'08" WEST 102.88 FEET ALONG SAID SOUTH MARGIN AND
18 THE WESTERLY PROLONGATION THEREOF TO THE SOUTHWEST CORNER OF KING
19 COUNTY TAX PARCEL NUMBER 2524039055;
20 THENCE SOUTH 22°55'45" EAST 439.95 FEET TO A POINT LYING 230.00 FEET
21 DISTANT AND AT RIGHT ANGLES TO SAID CENTERLINE OF SOUTHWEST MYRTLE
22 STREET;
23 THENCE SOUTH 89°35'00" EAST 4.91 FEET ALONG A LINE 230.00 FEET
24 DISTANT AND AT RIGHT ANGLES TO SAID CENTERLINE OF SOUTHWEST MYRTLE
STREET AND THE POINT OF BEGINNING;

SITUATE IN THE CITY OF SEATTLE, KING COUNTY, WASHINGTON.



Exhibit B

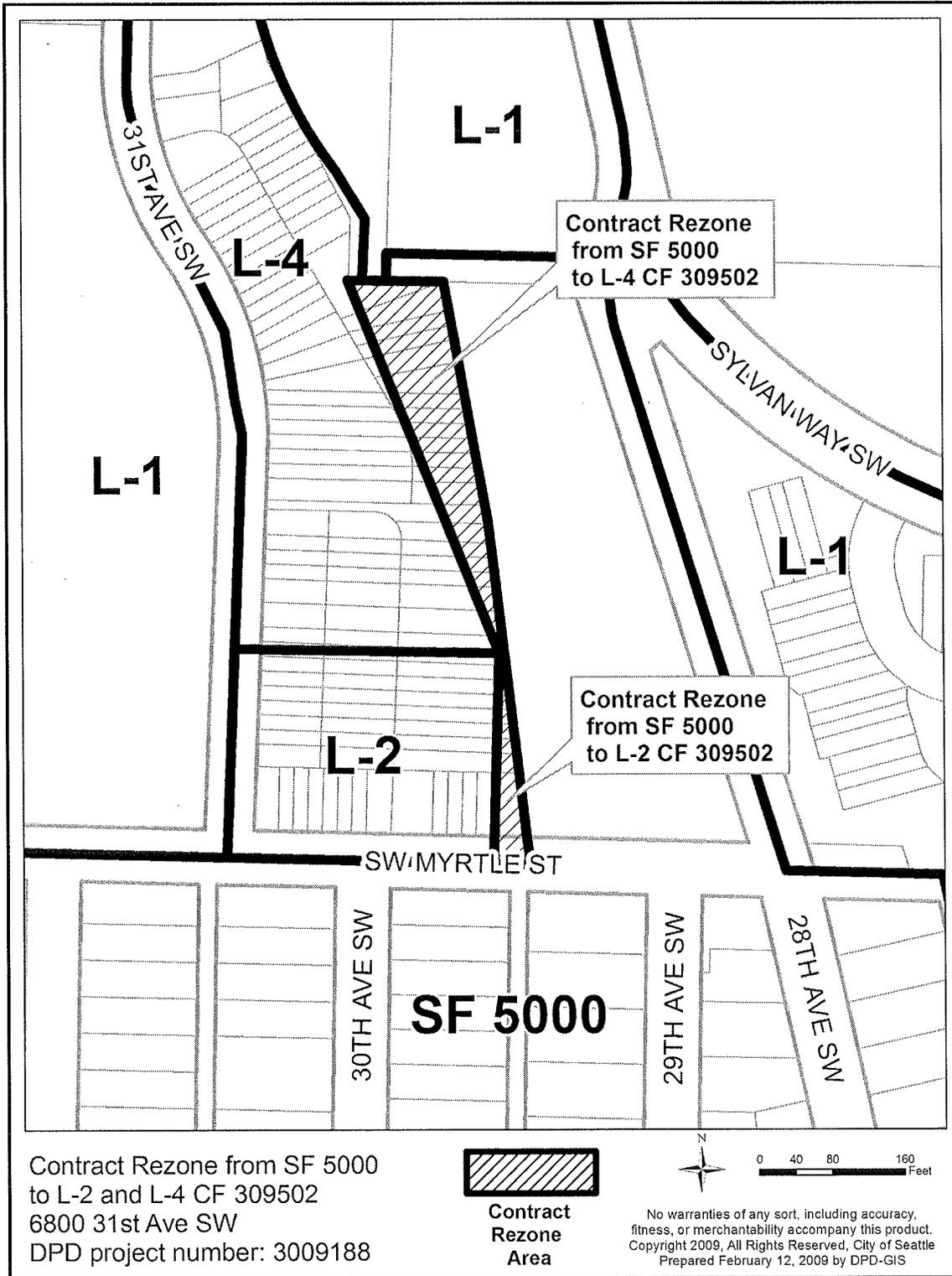
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12 THENCE DEPARTING SAID EASTERLY LINE OF BLOCK 34 NORTH
13 89°35'00" WEST 4.91 FEET ALONG A LINE 230.00 FEET DISTANT AND AT
14 RIGHT ANGLES TO SAID CENTERLINE OF SOUTHWEST MYRTLE STREET, TO A
15 POINT LYING 290.00 FEET DISTANT AND AT RIGHT ANGLES TO THE MONUMENTED
16 CENTERLINE OF 31ST AVENUE SOUTHWEST;
17 THENCE SOUTH 01°13'31" WEST 200.02 FEET, ALONG A LINE 290.00 FEET
18 DISTANT AND AT RIGHT ANGLES TO SAID CENTERLINE OF 31ST AVENUE
19 SOUTHWEST, TO THE NORTH MARGIN OF SOUTHWEST MYRTLE STREET;
20 SOUTH MARGIN BEING COINCIDENT WITH THE SOUTH LINE OF SAID BLOCK 34;
21 THENCE SOUTH 89°35'00" EAST 37.09 FEET TO THE POINT OF BEGINNING;

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SITUATE IN THE CITY OF SEATTLE, KING COUNTY, WASHINGTON.



Exhibit C



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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 165 of the Official Land Use Map, to rezone property located at 6800 – 31st Ave SW from Single Family 5000 to a combination of Lowrise 2 (L2) and Lowrise 4 (L4) and authorizing acceptance of a Public Use and Development Agreement (PUDA) (Petition by Seattle Housing Authority, C.F. 309502, DPD Project 3009188).

• **Summary of the Legislation:**

This legislation approves a rezone of property located at 6800 – 31st Ave SW. The site is not located within an Urban Village but is within the Delridge Neighborhood Revitalization Area and part of High Point, a 120 acre site owned by the Seattle Housing Authority. The proposed rezone would change a portion of the site currently zoned Single Family 5000 to a combination of L2 and L4 zones. A Property Use and Development Agreement is required for this contract rezone.

• **Background:**

The legislation approves a contract rezone pursuant 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 309502.

• *Please check one of the following:*

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

 This legislation has financial implications. *(Please complete all relevant sections that follow.)*



STATE OF WASHINGTON – KING COUNTY

--SS.

236959
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.

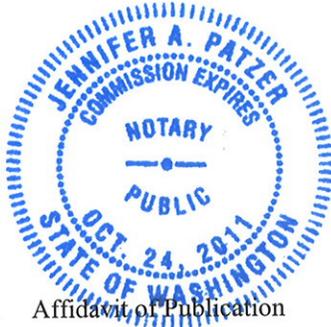
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:122942 ORDINANCE

was published on

04/07/09

The amount of the fee charged for the foregoing publication is the sum of \$ 622.60, which amount has been paid in full.



[Signature]

Subscribed and sworn to before me on
04/07/09 *[Signature]*

Notary public for the State of Washington,
residing in Seattle

City of Seattle

ORDINANCE 122942

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Section 3. The City Council authorizes acceptance of the Property Use and Development Agreement (PUDA) executed by the owner of the Property pursuant to Ordinance 121164 and recorded at King

County, Recording No. 20030617002339, by which the owner agreed 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 L4 and L2 zones, which restrictions are directly related to the impacts expected to result from the rezoning, and which restrictions were included in that PUDA recorded pursuant to Ordinance 121164.

Section 4. Pursuant to SMC Section 23.76.060.B.1.b, the rezoning of the Property shall expire

and be of no force or effect ten (10) years from the effective date of the rezoning approved in Ordinance 121164 or, if construction permits have been applied for or issued at that time, until expiration of those permits. This is the same expiration date as for the rezoning of the rest of the High Point redevelopment site approved by Ordinance 121164.

Section 5. 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 30th day of March, 2009, and signed by me in open session in authentication of its passage this 30th day of March, 2009.

Richard Conlin

President of the City Council

Approved by me this 30th day of March, 2009.

(Seal) Judith Pippin, City Clerk

Exhibit A: Legal Description of rezoning area from Single Family 5000 to Lowrise 4

Exhibit B: Legal Description of rezoning area from Single Family 5000 to Lowrise 2

Exhibit C: Rezoning Map

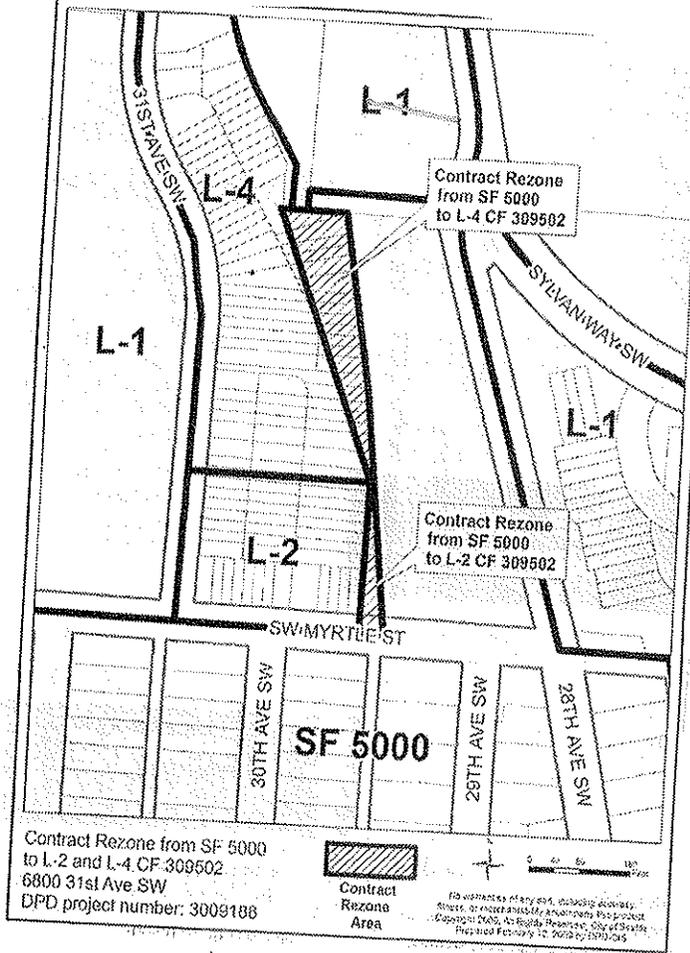
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State of Washington, K



Contract Rezone from SF 5000 to L-2 and L-4 CF 309502
6800 31st Ave SW
DPD project number: 3009188

Contract Rezone Area

No warranties of any kind, including accuracy, fitness, or completeness for any purpose. Copyright 2009. All Rights Reserved. City of Seattle. Prepared February 12, 2009 by 1570-045

THENCE NORTH 07°56'03" WEST 202.14 FEET ALONG THE EASTERLY LINE OF SAID BLOCK 34 TO A POINT LYING 230.00 FEET DISTANT AND AT RIGHT ANGLES TO SAID CENTERLINE OF SOUTHWEST MYRTLE STREET AND THE TRUE POINT OF BEGINNING;

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SITUATE IN THE CITY OF SEATTLE, KING COUNTY, WASHINGTON.

Exhibit C

Publication ordered by JUDITH PIPPIN, City Clerk

Date of publication in the Seattle Daily Journal of Commerce, April 7, 2009.

4/7(236959)

ge 2 of affidavit