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CITY OF SEATTLE
ORDINANCE _____
COUNCIL BILL 117650

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4 AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle
5 Municipal Code at page 30 of the Official Land Use Map to rezone property located at
6 10001 Lake City Way N.E. from Single Family 5000 (SF 5000) and Commercial 1 with a
7 40 foot height limit (C1-40) to Commercial 1 with a 30 foot height limit (C1-30) and C1-
8 40 (Application of John Nalbandian for John Lash, C.F. 311694, Project No. 3012420,
9 Type IV.)

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

11 Section 1. This Ordinance affects the following legally described property (“the
12 Property”):

13 **PCL A SEATTLE SP #2100234 REC # 20030731900009**

14 Section 2. The Official Land Use Map zone classification for the Property, established
15 on page 30 of the Official Land Use Map, and adopted by Ordinance 110381 and last modified
16 by the ordinance introduced as Council Bill 117639, is amended to rezone the Property from
17 Single Family 5000 (SF 5000) and Commercial 1 with a 40 foot height limit (C1-40) to
18 Commercial 1 with a 30 foot height limit (C1-30) and C1-40, as shown in Exhibit A of this
19 ordinance. Approval of this rezone is conditioned upon performance and continued compliance
20 with the conditions of the Property Use and Development Agreement referenced in Section 3 of
21 this ordinance.
22

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

25 Section 4. The rezone approval shall expire pursuant to Section 23.76.060.C of the
26 Seattle Municipal Code.
27



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

9 Section 6. This Ordinance, effectuating a quasi-judicial decision of the City Council and
10 not subject to mayoral approval or disapproval, shall take effect and be in force thirty (30) days
11 from and after its passage and approval by the City Council.
12

13 Passed by the City Council the ____ day of _____, 2012, and
14 signed by me in open session in authentication of its passage this
15 ____ day of _____, 2012.

16 _____
17 President _____ of the City Council

18 Filed by me this ____ day of _____, 2012.

19 _____
20 City Clerk

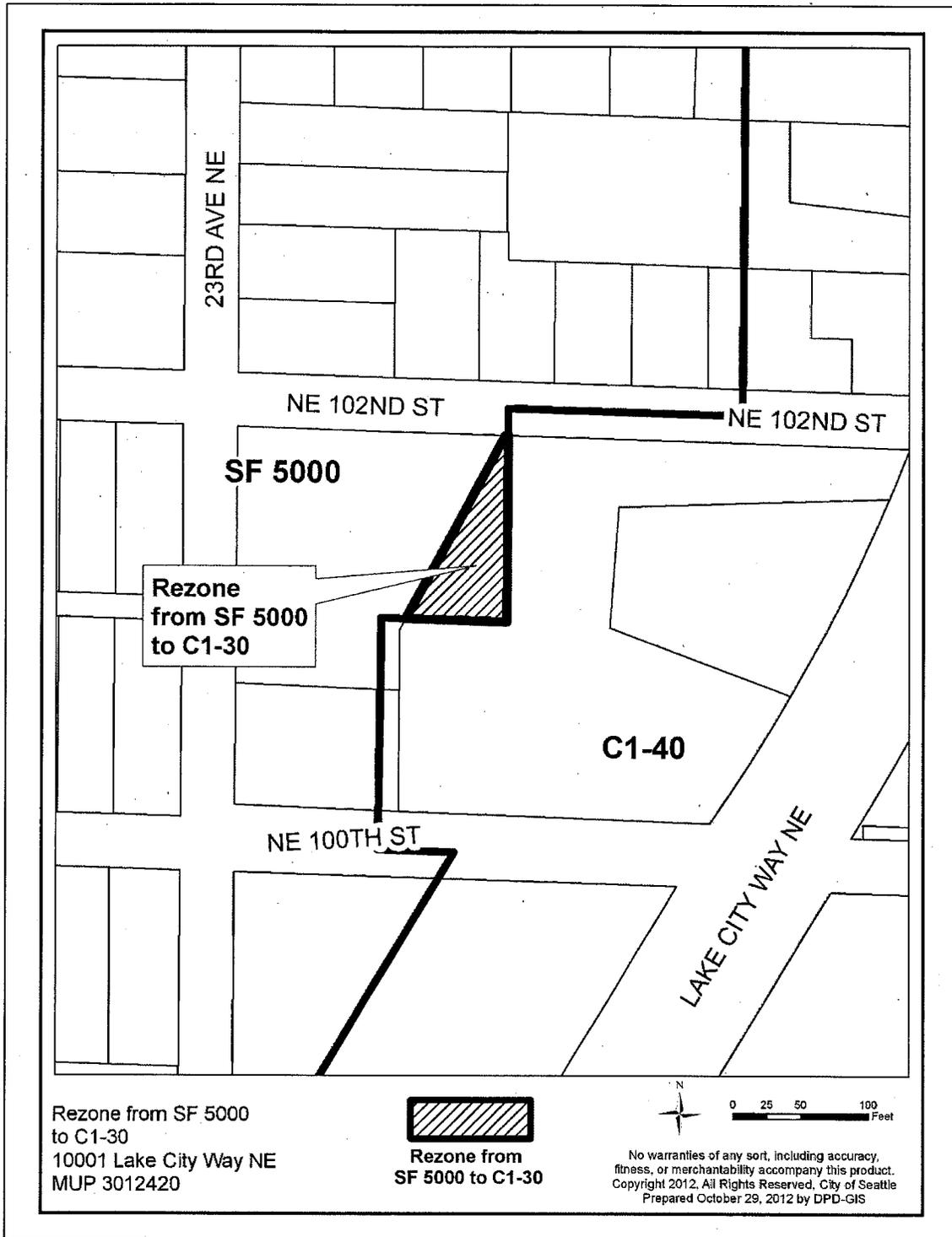
21 (Seal)

22 Exhibit A: Rezone Map

23 Exhibit B: Property Use and Development Agreement
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25
26
27



EXHIBIT A – REZONE ORDINANCE – 10001 LAKE CITY WAY N.E.



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: John Lash

Grantee: The City of Seattle

Legal Description:

PCL A SEATTLE SP #2100234 REC # 20030731900009

Assessor's Tax Parcel ID#: 5101405880

THIS PROPERTY USE AND DEVELOPMENT AGREEMENT ("Agreement") is executed as of this 30 day of October, 2012, in favor of the CITY OF SEATTLE, a Washington municipal corporation (the "City"), by John Lash (the "Owner").

RECITALS

A. John Lash is the owner of that certain real property legally described as:

PCL A, Seattle SP #2100234, K.C. Recording # 20030731900009

in King County, Washington (the "Property"). The Property is located at 10001 Lake City Way N.E., in the City of Seattle and is currently zoned Single Family 5000 (SF 5000) and C1-40. Exhibit 1 to this Agreement shows the location of the Property and the area to be rezoned (the "Rezone Area").

B. On or around July 27, 2011, the Owner submitted to the City a request to rezone a portion of the Property from SF 5000 to Commercial 1 with a 40 foot height limit (C1-40) to allow the construction of an 800 square foot accessory shed on the Property, as reflected in the Department of Planning and Development's (DPD) decision for Master Use Permit No. 3012420.

C. Seattle Municipal Code (SMC) Section 23.34.004 allows the City to approve a 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."

D. On October 26, 2012 the Council's Planning, Land Use and Sustainability Committee voted to adopt the Hearing Examiner's recommendation to approve the rezone of the SF 5000 portion of the Property to C1-30 (the "Rezone") and not C1-40 as reflected in the original request.

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 Rezone Area is restricted to modification and reuse of an existing structure in substantial conformance with the final approved Master Use Permit decision with related plans dated July 27, 2011 (MUP #3012420), authorizing the construction of an 800 square foot accessory shed.

b. Future development coverage in the Rezone Area is limited to 15% of the Rezone Area, or 837 square feet.

c. No development is permitted in the Rezone Area within 25 feet of the adjacent single family zone.

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.

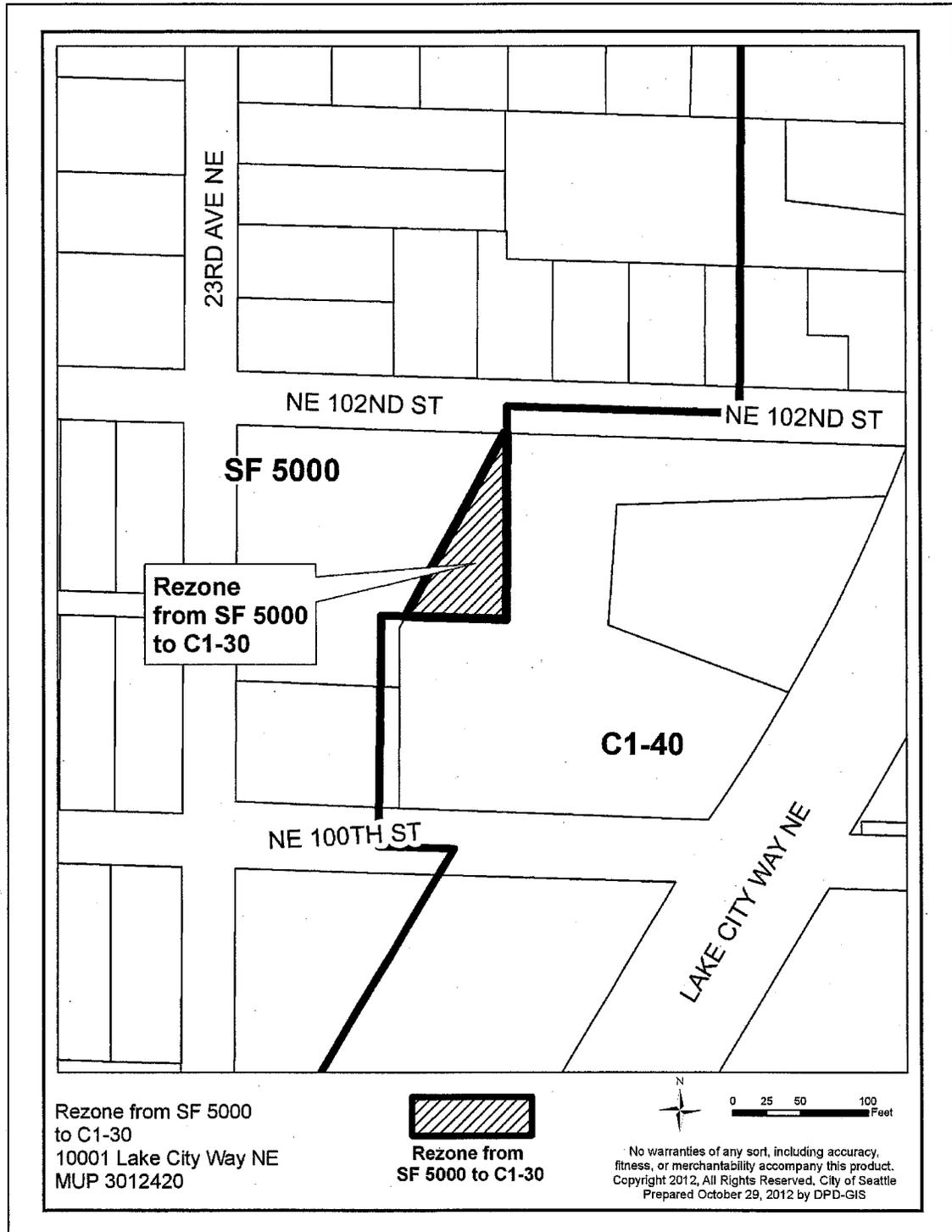
3. Termination. The covenants herein shall expire at such time as the Rezone expires pursuant to SMC 23.76.060,C or the Rezone is revoked pursuant to SMC 23.34.004.

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.

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.

EXHIBIT 1 – PUDA - 10001 LAKE CITY WAY N.E.



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 Chapter 23.32 of the Seattle Municipal Code at page 30 of the Official Land Use Map to rezone property located at 10001 Lake City Way N.E. from Single Family 5000 (SF 5000) and Commercial 1 with a 40 foot height limit (C1-40) to Commercial 1 with a 30 foot height limit (C1-30) and C1-40 (Application of John Nalbandian for John Lash, C.F. 311694, Project No. 3012420, Type IV.)

Summary of the Legislation:

This legislation rezones a site located at 10001 Lake City Way N.E. The rezone would change a portion of the zoning at the site from to Commercial 1 with a 30 foot height limit (C1-30). The existing C1-40 portion of the site is not changed.

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 311694.

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:*

This legislation does not have any financial implications.