



**Legislative Department  
Seattle City Council  
Memorandum**

**Date:** July 8, 2013

**To:** Richard Conlin, Chair  
Tim Burgess, Vice Chair  
Mike O'Brien, Member  
Planning Land Use and Sustainability Committee

**From:** Ketil Freeman, Central Staff

**Subject:** Clerks File 311061 - Application of BMR-500 Fairview Avenue, LLC to amend the Property Use and Development Agreement accepted by Ordinance 123774 for property located at 500 Fairview Avenue North to make revisions, such as changes to exterior cladding material and reorientation of the main entry, to the Master Use Permit drawings, conformance to which is required by Ordinance 123774 (Project No. 3015059, Type IV).

Council Bill 117827 - An ORDINANCE approving an amendment of the Property Use and Development Agreement approved by Ordinance 123774 for property located at 500 Fairview Avenue North.

**Background**

In December of 2011 the Council passed Ordinance 123774, which 1) rezoned property located at the northeast corner of Fairview Avenue North from Industrial Commercial with a 65 foot height limit to Seattle Mixed with an 85 foot height limit and 2) accepted a Property Use and Development Agreement (PUDA) in connection with the rezone. The quasi-judicial rezone was requested to facilitate future development of a biomedical research and development laboratory project.

The PUDA accepted through Ordinance 123774 establishes the condition that:

Future development of the Property is restricted to a project developed in substantial accordance with the final approved Master Use Permit drawings for MUP Application 3011479 dated July 15, 2011, and included as Exhibit 9 in Clerk's File 311061.

Since passage of Ordinance 123774, the owner of the property has identified minor changes to the design and layout, which would require an amendment to the PUDA.

**Type of Action and Materials**

This rezone petition is a quasi-judicial action under the Seattle Municipal Code. Quasi-judicial rezones are subject to the Appearance of Fairness Doctrine and the Council's Quasi-judicial Rules prohibiting ex-parte communication. The Council may amend a PUDA by ordinance. Amendments are either considered to be major or minor.

A minor amendment to a PUDA is one that is within the spirit and general purpose of the prior decision of the Council, is generally consistent with the uses and development standards approved in the prior decision of the Council, would not result in significant adverse impacts that were not anticipated in the prior

decision of the Council, and does not request any additional waivers or changes in the waivers of bulk or off-street parking and loading requirements other than those approved in the prior decision of the Council...An application to amend that is minor and that complies with the rezone criteria of Chapter 23.34 may be approved by the Council by ordinance after receiving any additional advice that it deems necessary.<sup>1</sup>

After providing an opportunity for public comment and consulting informally with the Design Review Board that reviewed the initial Master Use Permit (MUP) application, DPD has determined that the proposed amendment is minor.

Attachments to this memo include:

- DPD's determination that the PUDA amendment is minor and recommendation that the Council approve the PUDA amendment ; and
- A packet of 11 X 17 drawings that compare the revised plans to the previously approved plans.

Staff recommends that the Committee recommend approval of the minor amendment to the PUDA. Changes to the PUDA condition would be:

Future development of the Property is restricted to a project developed in substantial accordance with the final approved Master Use Permit drawings for MUP Application 3015121 (~~3011479~~ dated July 15, 2011 and included as Exhibit 9 in Clerk's File 311061)).

### **Next Steps**

If the Committee recommends approval of the minor PUDA amendment by a "do pass" recommendation on C.B. 117827, staff will coordinate execution of the PUDA by the owner in advance of a Full Council vote.

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<sup>1</sup> Seattle Municipal Code 23.76.058.C.4.