



SEATTLE CITY COUNCIL

Legislative Summary

CB 118750

Record No.: CB 118750

Type: Ordinance (Ord)

Status: Passed

Version: 1

Ord. no: Ord 125102

In Control: City Clerk

File Created: 07/22/2016

Final Action: 08/08/2016

Title: AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 90 of the Official Land Use Map to rezone property located at 1511 Dexter Avenue North from Neighborhood Commercial 3-40 (NC3-40) to Neighborhood Commercial 3-65 (NC3-65), and accepting a Property Use and Development Agreement as a condition of rezone approval. (Petition by Bellwether Housing, C.F. 314315, SDCI Project 3015682)

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Johnson

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments: Ex B - Property Use and Development Agreement

Drafter: patrick.wigren@seattle.gov

Filing Requirements/Dept Action:

History of Legislative File

Legal Notice Published:

☐ Yes

☐ No

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Council President's Office	07/27/2016	sent for review	Planning, Land Use, and Zoning Committee			
	Action Text: The Council Bill (CB) was sent for review. to the Planning, Land Use, and Zoning Committee						
	Notes:						
1	Full Council	08/01/2016	referred	Planning, Land Use, and Zoning Committee			
1	Planning, Land Use, and Zoning Committee	08/02/2016	pass				Pass
	Action Text: The Committee recommends that Full Council pass the Council Bill (CB).						
	In Favor: 3 Chair Johnson, Vice Chair O'Brien, Member Herbold						
	Opposed: 0						

1 Full Council 08/08/2016 passed as amended Pass

Action Text: The Motion carried, the Council Bill (CB) was passed as amended by the following vote, and the President signed the Bill:

Notes: ACTION 1:

Motion was made by Councilmember Johnson, duly seconded and carried, to amend Council Bill 118750, Exhibit B, by substituting an executed Property Use and Development Agreement for the non-executed Property Use and Development Agreement.

ACTION 2:

Motion was made and duly seconded to pass Council Bill 118750 as amended.

In Favor: 8 Councilmember Bagshaw, Councilmember Burgess, Councilmember González , Council President Harrell, Councilmember Herbold, Councilmember Johnson, Councilmember Juarez, Councilmember O'Brien

Opposed: 0

1 City Clerk 08/08/2016 attested by City Clerk

Action Text: The Ordinance (Ord) was attested by City Clerk.

Notes:

CITY OF SEATTLE

ORDINANCE

125102

COUNCIL BILL

118750

AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 90 of the Official Land Use Map to rezone property located at 1511 Dexter Avenue North from Neighborhood Commercial 3-40 (NC3-40) to Neighborhood Commercial 3-65 (NC3-65), and accepting a Property Use and Development Agreement as a condition of rezone approval. (Petition by Bellwether Housing, C.F. 314315, SDCI Project 3015682)

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. This ordinance rezones the following legally described lots ("the Property") commonly known as 1511 Dexter Avenue North:

Addressed as 650 Galer Street:

The westerly 38 feet of Lots 1 and 2, Block 2, Union Lake Addition Supplemental to the City of Seattle, according to the plat thereof recorded in Volume 2 of Plats, page 177, records of King County Washington

Addressed as 1511 Dexter Avenue North:

Parcel A

Lots 1 and 2, Block 2, Union Lake Addition Supplemental to the City of Seattle, according to the plat thereof recorded in Volume 2 of Plats, page 177, records of King County Washington;

Except the west 38 feet thereof;

Except that portion thereof condemned in King County Superior Court Case Number 61981 for the widening of Dexter Avenue, as provided by the City Seattle Ordinance Number 17628 of the City of Seattle.

Parcel B

Lot 3, Block 2, Union Lake Addition Supplemental to the City of Seattle, according to the plat thereof recorded in Volume 2 of Plats, page 177, records of King County Washington;

Except that portion thereof condemned in King County Superior Court Case Number 61981 for the widening of Dexter Avenue, as provided by the City of Seattle Ordinance Number 17628 of the City of Seattle.

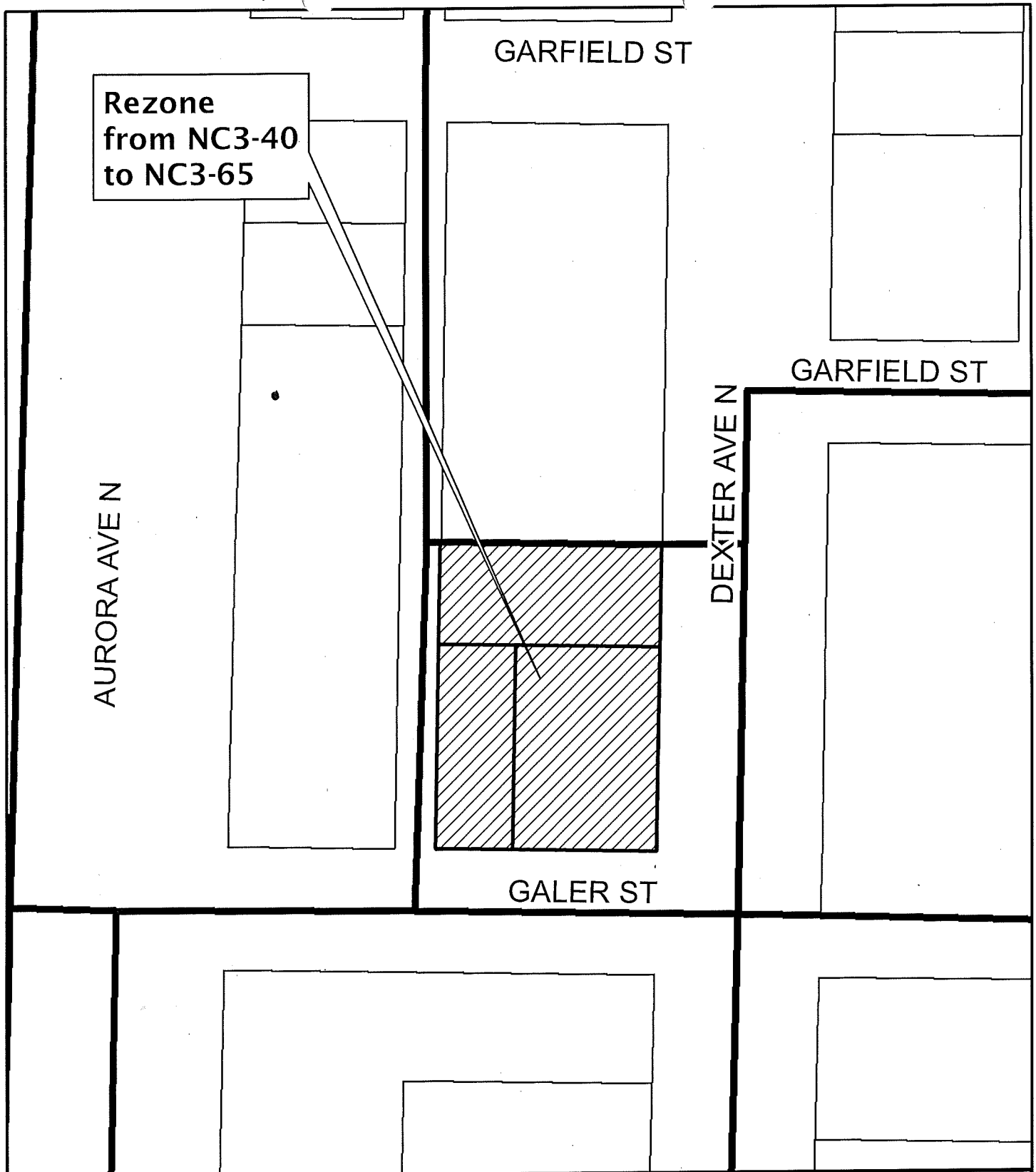
1 Section 2. Page 90 of the Official Land Use Map, Seattle Municipal Code Section
2 23.32.016, is amended to rezone the Property described in Section 1 of this ordinance, and
3 shown in Exhibit A to this ordinance, from Neighborhood Commercial 3 with a 40-foot height
4 limit (NC3-40) to Neighborhood Commercial 3 with a 65-foot height limit (NC3-65). Approval
5 of this rezone is conditioned upon complying with the Property Use and Development
6 Agreement (PUDA) approved in Section 4 of this ordinance.

7 Section 3. The zoning designation established by Section 2 of this ordinance shall remain
8 in effect until the Property is rezoned by subsequent Council action.

9 Section 4. The PUDA attached to this ordinance as Exhibit B is approved and accepted.

10 Section 5. The City Clerk is authorized and directed to file the PUDA with the King
11 County Records and Elections Division; to file, upon return of the recorded PUDA from the King
12 County Records and Elections Division, the original PUDA along with this ordinance at the City
13 Clerk's Office; and to deliver copies of the PUDA and this ordinance to the Director of the
14 Seattle Department of Construction and Inspections and to the King County Assessor's Office.

Exhibit A: Rezone Map



Proposed Rezone
Clerk File 314315
SDCI Application No. 3015682
1511 Dexter Avenue North



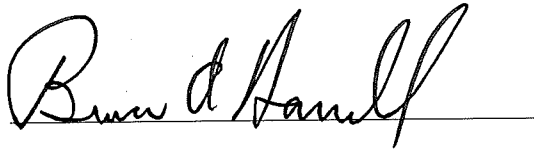
Rezone area

No warranties of any sort, including accuracy, fitness, or merchantability accompany this product. Copyright 2016. All Rights Reserved.
City of Seattle, City Council.
Prepared July 18, 2016
Council Central Staff-GIS.



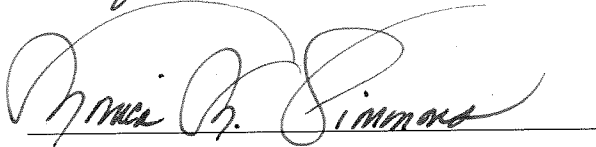
Section 6. This ordinance, effectuating a quasi-judicial decision of the City Council and not subject to mayoral approval or disapproval, shall take effect and be in force 30 days from and after its passage and approval by the City Council.

Passed by the City Council the 8th day of AUGUST, 2016,
and signed by me in open session in authentication of its passage this 8th day of
AUGUST, 2016.



President _____ of the City Council

Filed by me this 8th day of August, 2016.



Monica Martinez Simmons, City Clerk

(Seal)

Exhibits:
Exhibit A – Rezone Map
Exhibit B – Property Use and Development Agreement

Property Use and Development Agreement

<i>When Recorded, Return to:</i>	
THE CITY CLERK 600 Fourth Avenue, Floor 3 PO Box 94728 Seattle, Washington 98124-4728	

PROPERTY USE AND DEVELOPMENT AGREEMENT

Grantor(s):	(1)	1511 Dexter Limited Partnership		
Grantee:	(1)	The City of Seattle		
Legal Description <i>(abbreviated if necessary):</i>		see <i>Recital A</i> , below		
Assessor's Tax Parcel ID #:		8807900050, 8807900051, and 8807900055		
Reference Nos. of Documents Released or Assigned:		n/a		

THIS PROPERTY USE AND DEVELOPMENT AGREEMENT (the "Agreement") is executed this 25th day of July, 2016, in favor of the CITY OF SEATTLE (the "City"), a Washington municipal corporation, by 1511 Dexter Limited Partnership, a Washington limited partnership (the "Owner").

RECITALS

A. 1511 Dexter Limited Partnership is the owner of that certain real property (the "Rezone Site") in the City of Seattle currently zoned Neighborhood Commercial 3 with a 40 foot height limit (NC3-40), shown in Attachment A and described as:

Addressed as 650 Galer Street:

The westerly 38 feet of Lots 1 and 2, Block 2, Union Lake Addition Supplemental to the City of Seattle, according to the plat thereof recorded in Volume 2 of Plats, page 177, records of King County Washington

Addressed as 1511 Dexter Avenue North:

Parcel A

Lots 1 and 2, Block 2, Union Lake Addition Supplemental to the City of Seattle, according to the plat thereof recorded in Volume 2 of Plats, page 177, records of King County Washington;

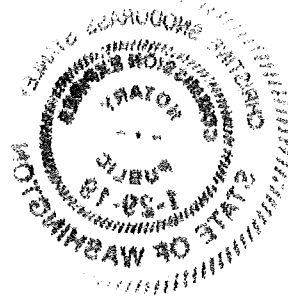
Except the west 38 feet thereof;

Section 5. No Precedent. The conditions contained in this Agreement are based on the unique circumstances applicable to the Rezone Site and this Agreement is not intended to establish precedent for other rezones in the surrounding area.

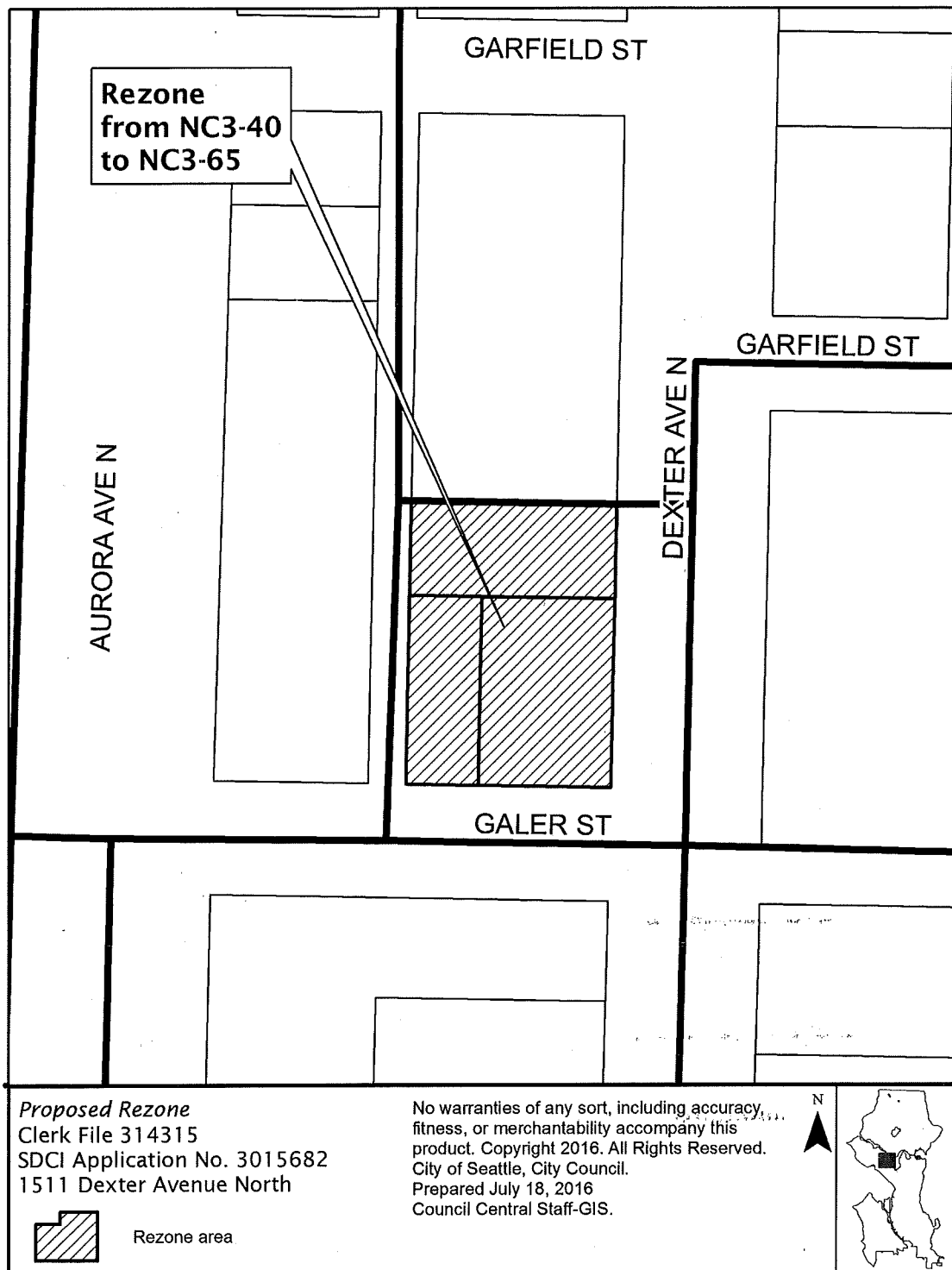
Section 6. Repeal as Additional Remedy. Owner acknowledges that compliance with the conditions of this Agreement is a condition of the subject rezone and that if Owner avails itself of the benefits of this rezone but then fails to comply with the conditions of this Agreement with the City, in addition to pursuing any other remedy, the City may:

- a. Revoke the rezone by ordinance and require the use of the Rezone Site to conform to the requirements of the previous NC3-40 zoning designation or some other zoning designation imposed by the City Council; and
- b. Pursue specific performance of this Agreement.

[signature and acknowledgment on following page]



ATTACHMENT A
REZONE MAP



SUMMARY and FISCAL NOTE*

Department:	Contact Person/Phone:	Executive Contact/Phone:
Legislative	Eric McConaghy/5-1071	N/A

1. BILL SUMMARY

Legislation Title:

AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 90 of the Official Land Use Map to rezone property located at 1511 Dexter Avenue North from Neighborhood Commercial 3-40 (NC3-40) to Neighborhood Commercial 3-65 (NC3-65), and accepting a Property Use and Development Agreement as a condition of rezone approval. (Petition by Bellwether Housing, C.F. 314315, SDCI Project 3015682).

Summary and background of the Legislation:

This Ordinance would rezone multiple parcels generally addressed as 1511 Dexter Avenue North from Neighborhood Commercial 3-40 to Neighborhood Commercial 3-65 at the request of Bellwether Housing, on behalf of 1511 Dexter Limited Partnership, the record related to this rezone is included in Clerk File 314315.

2. CAPITAL IMPROVEMENT PROGRAM

☐ This legislation creates, funds, or amends a CIP Project.

3. SUMMARY OF FINANCIAL IMPLICATIONS

Please check one:

☐ This legislation has direct financial implications.

☒ This legislation does not have direct financial implications.

4. OTHER IMPLICATIONS

- a) Does the legislation have indirect or long-term financial impacts to the City of Seattle that are not reflected in the above?
No
- b) Is there financial cost or other impacts of not implementing the legislation?
No
- c) Does this legislation affect any departments besides the originating department?
No
- d) Is a public hearing required for this legislation?
The Seattle Hearing Examiner held a public hearing on June 8, 2016.

- e) **Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?**
No
- f) **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**
No
- g) **Does this legislation affect a piece of property?**
Yes, see Exhibit A.
- h) **Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities?**
Not applicable
- i) **If this legislation includes a new initiative or a major programmatic expansion: What are the long-term and measurable goals of the program? Please describe how this legislation would help achieve the program's desired goals.**
Not applicable
- j) **Other Issues:**

List attachments/exhibits below:

STATE OF WASHINGTON -- KING COUNTY

--SS.

341388

No.

CITY OF SEATTLE, CLERKS OFFICE

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.

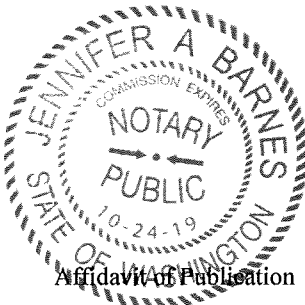
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:125102 ORDINANCE

was published on

09/09/16

The amount of the fee charged for the foregoing publication is the sum of \$39.88 which amount has been paid in full.



Affidavit of Publication

Subscribed and sworn to before me on

09/09/2016

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 August 8, 2016, and published below by title only, will be mailed upon request, or can be accessed at <http://seattle.legistar.com>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>.

Ordinance 125102

Council Bill 118750

AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 90 of the Official Land Use Map to rezone property located at 1511 Dexter Avenue North from Neighborhood Commercial 3-40 (NC3-40) to Neighborhood Commercial 3-65 (NC3-65), and accepting a Property Use and Development Agreement as a condition of rezone approval. (Petition by Bellwether Housing, C.F. 314315, SDCI Project 3015682)

Date of publication in the Seattle Daily Journal of Commerce, September 9, 2016.

9/9(341388)