



SEATTLE CITY COUNCIL

Legislative Summary

CB 119028

Record No.: CB 119028

Type: Ordinance (Ord)

Status: Passed

Version: 1

Ord. no: Ord 125357

In Control: Full Council

File Created: 07/05/2017

Final Action: 07/24/2017

Title: AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 113 of the Official Land Use Map to rezone property located at 2320 E Union Street from Neighborhood Commercial 2 with a Pedestrian Overlay and 40-foot height limit (NC2P-40) and Neighborhood Commercial 2 with a 40-foot height limit (NC2-40) to Neighborhood Commercial 2 with a Pedestrian Overlay and a 65-foot height limit (NC2P-65), and accepting a Property Use and Development Agreement as a condition of rezone approval. (Petition by Capitol Hill Housing, C.F. 314349, SDCI Project 3018178)

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Johnson

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments: Exhibit A - Rezone Map, Exhibit B - Executed Property Use and Development Agreement (added; 7/24/17)

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	City Clerk	07/05/2017	sent for review	Council President's Office			
	Action Text: The Council Bill (CB) was sent for review. to the Council President's Office Notes:						
1	Council President's Office	07/12/2017	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 07/17/2017 referred Planning, Land Use, and Zoning Committee
- 1 Planning, Land Use, and Zoning Committee 07/18/2017 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 07/24/2017 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 119028, 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 119028 as amended.
- In Favor: 7 Councilmember Bagshaw, Councilmember Burgess, Councilmember González , Council President Harrell, Councilmember Herbold, Councilmember Johnson, Councilmember Sawant
 Opposed: 0
- 1 City Clerk 07/24/2017 attested by City Clerk
- Action Text:** The Ordinance (Ord) was attested by City Clerk.
 Notes:
-

CITY OF SEATTLE

ORDINANCE

125357

COUNCIL BILL

119028

AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 113 of the Official Land Use Map to rezone property located at 2320 E Union Street from Neighborhood Commercial 2 with a Pedestrian Overlay and 40-foot height limit (NC2P-40) and Neighborhood Commercial 2 with a 40-foot height limit (NC2-40) to Neighborhood Commercial 2 with a Pedestrian Overlay and a 65-foot height limit (NC2P-65), and accepting a Property Use and Development Agreement as a condition of rezone approval. (Petition by Capitol Hill Housing, C.F. 314349, SDCI Project 3018178)

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. This ordinance rezones the following legally described lots ("the Rezone Area") commonly known as 2320 E Union Street:

Parcel A

Lots 7 and 8, Block 1, J. H. Rengstorff's Addition to the City of Seattle, according to the plat thereof recorded in Volume 2 of Plats, Page 101, in King County, Washington. Together with unplatted strip adjoining said lots on the west.
and

Parcel B

Lots 9, 10, 11, and 12 Block 1, J. H. Rengstorff's Addition to the City of Seattle, according to the plat thereof recorded in Volume 2 of Plats, Page 101, in King County, Washington.

Section 2. Page 113 of the Official Land Use Map, Seattle Municipal Code Section 23.32.016, is amended to rezone the Property described in Section 1 of this ordinance, and shown in Exhibit A to this ordinance from Neighborhood Commercial 2 with a Pedestrian Overlay and 40-foot height limit (NC2P-40) and Neighborhood Commercial 2 with a 40-foot height limit (NC2-40) to Neighborhood Commercial 2 with a Pedestrian Overlay and a 65-foot

1 height limit (NC2P-65). Approval of this rezone is conditioned upon complying with the
2 Property Use and Development Agreement (PUDA) approved in Section 3 of this ordinance.

3 Section 3. The PUDA attached to this ordinance as Exhibit B is approved and accepted.

4 Section 4. The City Clerk is authorized and directed to file the PUDA with the King
5 County Recorder's Office; to file, upon return of the recorded PUDA from the King County
6 Recorder's Office, the original PUDA along with this ordinance at the City Clerk's Office; and to
7 deliver copies of the PUDA and this ordinance to the Director of the Seattle Department of
8 Construction and Inspections and to the King County Assessor's Office.

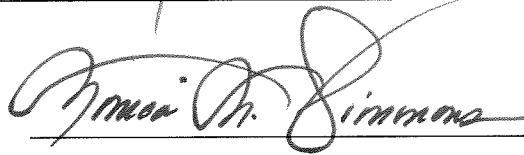
Section 5. This ordinance, effectuating a quasi-judicial decision of the City Council and not subject to mayoral approval or disapproval, shall take effect and be in force 30 days from and after its passage and approval by the City Council.

Passed by the City Council the 24th day of July, 2017,
and signed by me in open session in authentication of its passage this 24th day of
July, 2017.



President _____ of the City Council

Filed by me this 24th day of JULY, 2017.



Monica Martinez Simmons, City Clerk

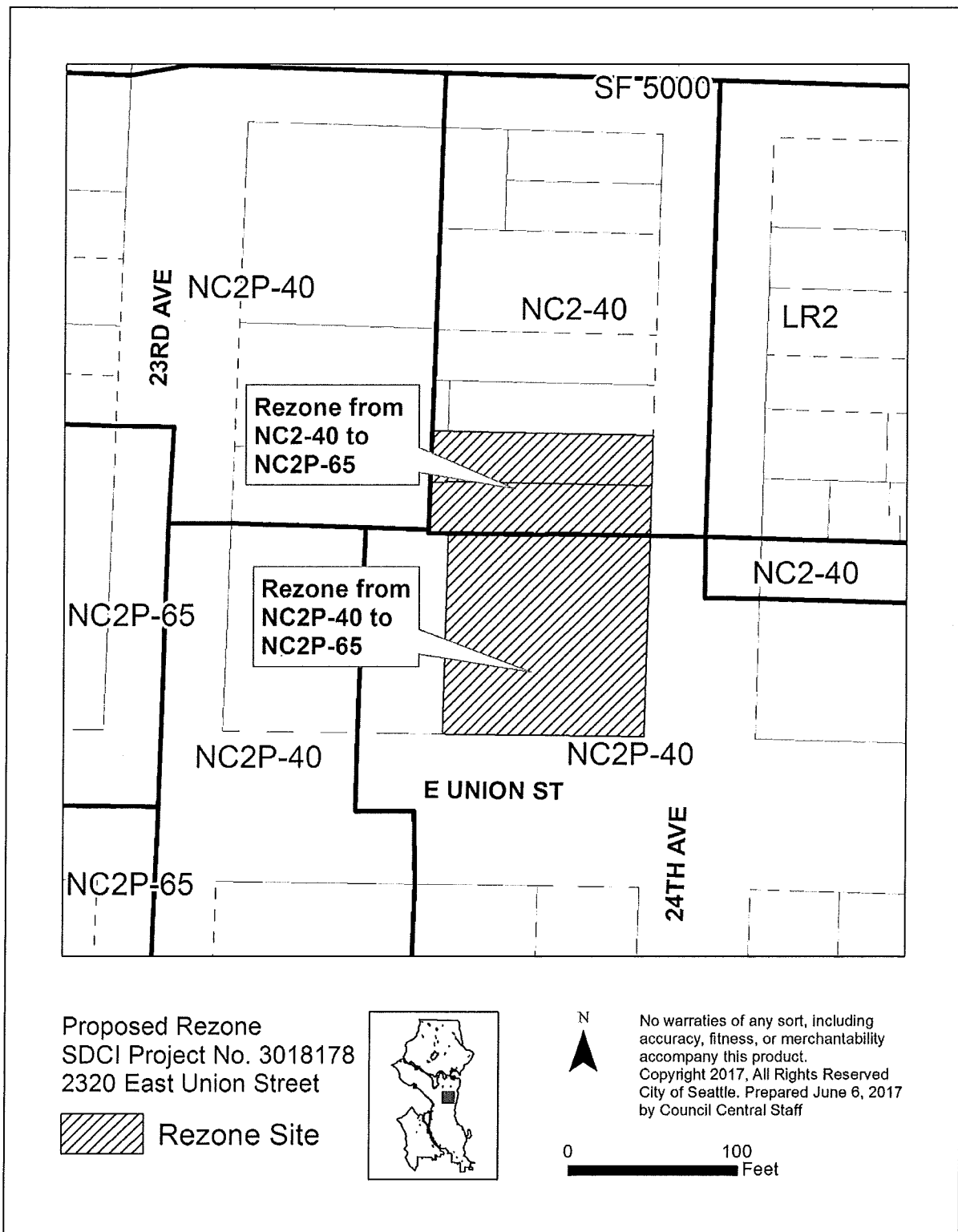
(Seal)

Exhibits:

Exhibit A – Rezone Map

Exhibit B – Property Use and Development Agreement

Ex A – Rezone Map
V1



FILED
CITY OF SEATTLE

2017 JUL 21 PM 2:32

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	CITY CLERK

PROPERTY USE AND DEVELOPMENT AGREEMENT

Grantor(s):	(1)	Union and 24 th Associates LLC, a Washington limited liability company	(2)	n/a
☐ Additional grantors on page <u>n/a</u>				
Grantee:	(1)	The City of Seattle		
☐ Additional on page <u>n/a</u>				
Legal Description (abbreviated if necessary):	See below.			
☐ Additional legal description on page <u>n/a</u> :				
Assessor's Tax Parcel ID #:	7217400045, 7217400040, and 7217400035			
Reference Nos. of Documents Released or Assigned:				

THIS PROPERTY USE AND DEVELOPMENT AGREEMENT (the "Agreement") is executed this 20th day of July, 2017, in favor of the CITY OF SEATTLE (the "City"), a Washington municipal corporation, by Union and 24th Associates, LLC, a Washington limited liability company (the "Owner").

RECITALS

A. Union and 24th Associates, LLC is the owner of that certain real property (the "Rezone Site") in the City of Seattle zoned Neighborhood Commercial 2 with a Pedestrian Overlay and a 40-foot height limit (NC2P-40) and Neighborhood Commercial 2 with a 40-foot height limit (NC2-40) shown in Attachment A and legally described as:

Parcel A

Lots 7 and 8, Block 1, J. H. Rengstorff's Addition to the City of Seattle, according to the plat thereof recorded in Volume 2 of Plats, Page 101, in King County, Washington.
Together with unplatted strip adjoining said lots on the west.

and

Parcel B

Lots 9, 10, 11, and 12 Block 1, J. H. Rengstorff's Addition to the City of Seattle, according to the plat thereof recorded in Volume 2 of Plats, Page 101, in King County, Washington.

B. On August 4, 2016, the Owner submitted to the City of Seattle an application under Project No. 3018178 for a rezone of the Rezone Site from Neighborhood Commercial 2 with a Pedestrian Overlay and 40-foot height limit (NC2P-40) and Neighborhood Commercial 2 with a 40-foot height limit (NC2-40) to Neighborhood Commercial 2 with a Pedestrian Overlay and a 65-foot height limit (NC2P-65). The purpose of the application is to allow the Rezone Site to accommodate a new structure with low-income apartment units above ground floor commercial space.

C. SMC 23.34.004.B authorizes the Council to apply the provisions of Chapters 23.58B and 23.58C through a contract rezone. SDCI Director's Rule 14-2016 (April 6, 2017) ("The Rule") sets forth performance and payment requirements that shall be applied where the City has not adopted pertinent performance and payment requirements in SMC 23.58C.

D. Seattle Municipal Code 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."

NOW, THEREFORE, in consideration of the mutual agreements contained herein, the parties agree as follows:

AGREEMENT

Section 1. Agreement. Pursuant to Seattle Municipal Code Section ("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 conditions in consideration of the rezone of the Rezone Site from Neighborhood Commercial 2 with a Pedestrian Overlay and 40-foot height limit (NC2P-40) and Neighborhood Commercial 2 with a 40-foot height limit (NC2-40) to Neighborhood Commercial 2 with a Pedestrian Overlay and a 65-foot height limit (NC2P-65):

- a) Development of the Rezone Site is restricted to a project developed in substantial conformance with the final approved plans for Master Use Permit number 3018178.
- b) Development of the Rezone Site is subject to the requirements of SMC 23.58B and 23.58C. However, the requirements of SMC 23.58B are not applicable to a project developed in substantial conformance with the final approved plans for Master Use Permit number 3018178, as the plans do not specify more than 4,000 square feet of gross floor area in commercial use (SMC 23.58B.020.B) And, a project developed in substantial conformance with the final approved plans for Master Use Permit number 3018178 meets the conditions of exemption from the requirements of SMC 23.58C (SMC

23.58C.025.C) per the information recorded on page G2.01 of Hearing Examiner Exhibit #4, Council File 314349.

Section 2. Agreement Runs With the Land. This 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 land and shall be binding upon the Owners, their heirs, successors and assigns, and shall apply to after-acquired title of the Owners of the Rezone Site.

Section 3. Termination of Zoning Designation.

The new zoning designation shall expire according to SMC 23.76.060.C, or if the rezone is revoked pursuant to SMC 23.34.004.

Section 4. Termination of Conditions.

The conditions listed in Section 1 of this Agreement shall expire according to SMC 23.76.060.C, or if the Rezone is revoked pursuant to SMC 23.34.004.

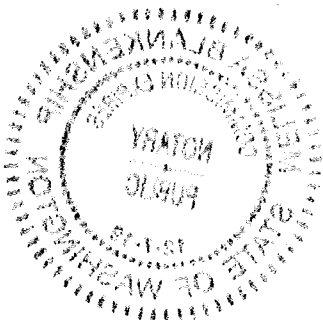
Section 5. Amendment. This Agreement may be amended or modified by agreement between Owner and the City, if such amendments are approved by the City Council by ordinance.

Section 6. Exercise of Police Power. Nothing in this Agreement shall prevent 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.

Section 7. 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.

Section 8. 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 avail themselves of the benefits of this rezone but then fail 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 NC2P-40 and NC2-40 zoning designations or some other zoning designation imposed by the City Council; and/or
- b. pursue specific performance of this Agreement.



SIGNED this 20 day of JULY, 2017.

Union and 24th Associates, LLC

a Washington limited liability company

By: [Signature]

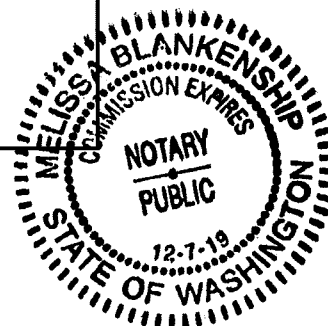
Christopher Persons

Its: Chief Executive Officer

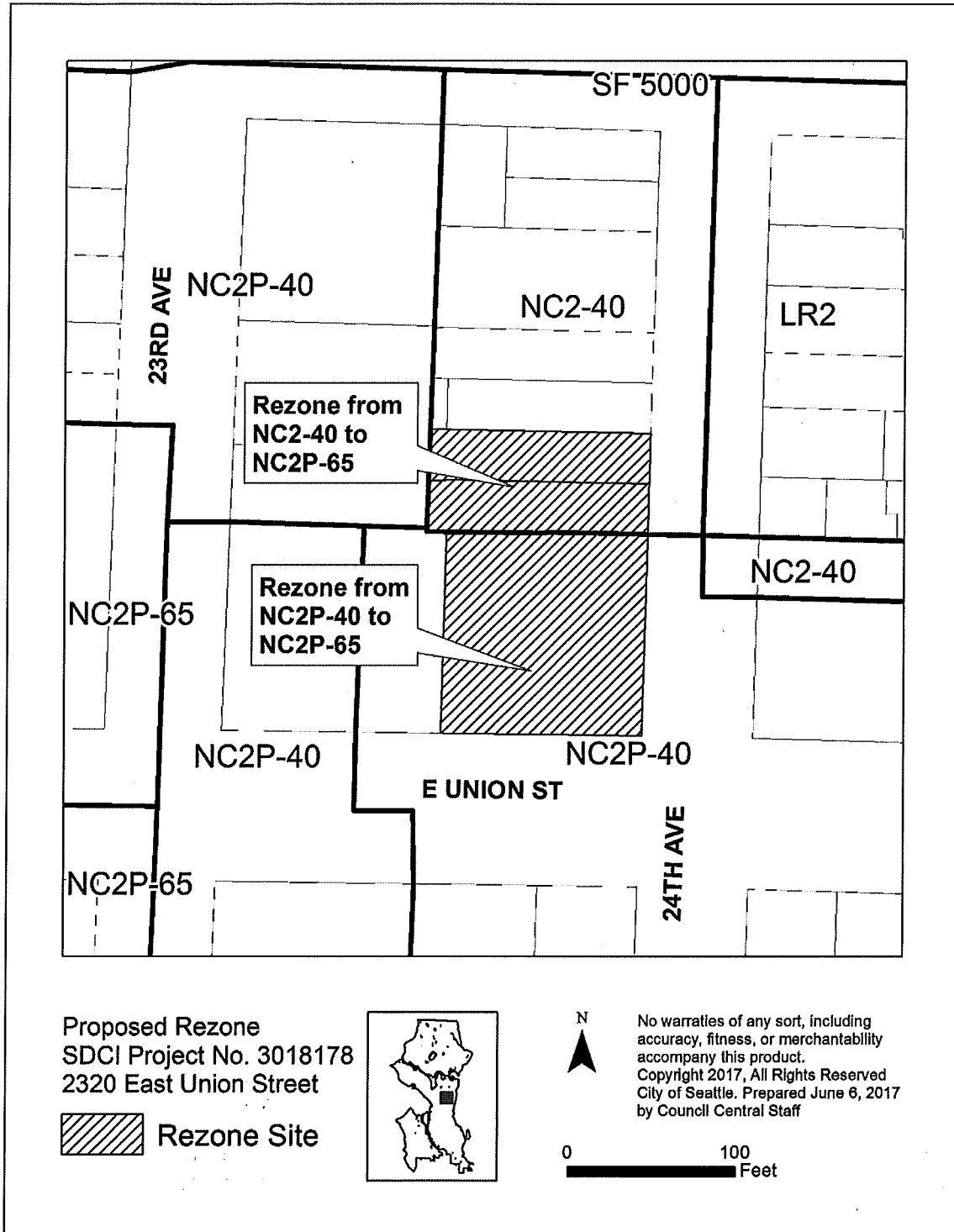
On this day personally appeared before me Christopher Persons, to me known to be the Chief Executive Officer, of Union and 24th Associates, LLC, a Washington limited liability company that executed the foregoing instrument, and acknowledged such instrument to be the free and voluntary act and deed of such limited liability company, for the uses and purposes therein mentioned, and on oath stated that he was duly authorized to execute such instrument.

GIVEN UNDER MY HAND AND OFFICIAL SEAL this 20th day of July, 2017

<u>Melissa Blankenship</u>		Printed Name	
<u>King Co.</u>		NOTARY PUBLIC in and for the State of Washington, residing at	
<u>[Signature]</u>		My Commission Expires <u>12-7-19</u>	
STATE OF WASHINGTON	}		SS.
COUNTY OF KING			



Attachment A: Rezone Map



STATE OF WASHINGTON -- KING COUNTY

--SS.

352754

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.

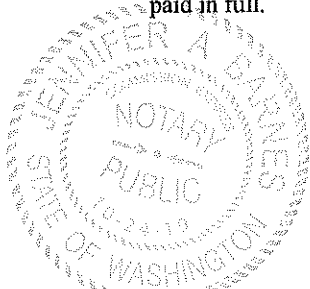
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:125357,359-125370

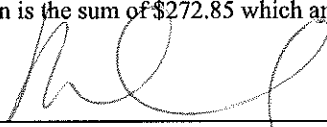
was published on

08/10/17

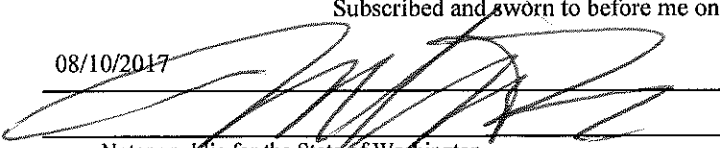
The amount of the fee charged for the foregoing publication is the sum of \$272.85 which amount has been paid in full.



Affidavit of Publication


Subscribed and sworn to before me on

08/10/2017


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, approved by the City Council on July 24, 2017, 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 125357

Council Bill 119028

AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 113 of the Official Land Use Map to rezone property located at 2320 E Union Street from Neighborhood Commercial 2 with a Pedestrian Overlay and 40-foot height limit (NC2P-40) and Neighborhood Commercial 2 with a 40-foot height limit (NC2-40) to Neighborhood Commercial 2 with a Pedestrian Overlay and a 65-foot height limit (NC2P-65), and accepting a Property Use and Development Agreement as a condition of rezoning approval. (Petition by Capitol Hill Housing, C.F. 814349, SDCI Project 3018178)

Ordinance 125359

Council Bill 118981

AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at pages 112 and 113 of the Official Land Use Map to rezone land in the 23rd and Cherry node of the 23rd & Union-Jackson Residential Urban Village; and amending Sections 23.45.510, 23.45.512, 23.45.514, and 23.45.517 of the Seattle Municipal Code to implement Mandatory Housing Affordability (MHA).

Ordinance 125360

Council Bill 118982

AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at pages 112 and 113 of the Official Land Use Map to rezone land in the 23rd and Union node of the 23rd & Union-Jackson Residential Urban Village; amending Section 23.47A.009 of the Seattle Municipal Code to adopt development standards for certain properties in the 23rd & Union-Jackson Residential Urban Village; and amending Sections 23.58C.040 and 23.58C.060 of the Seattle Municipal Code to implement Mandatory Housing Affordability (MHA).

Ordinance 125361

Council Bill 118983

AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at pages 118 and 119 of the Official Land Use Map to rezone land in the 23rd and Jackson node of the 23rd & Union-Jackson Residential Urban Village to support community vision and implement Mandatory Housing Affordability (MHA); and amending Section 23.47A.009 of the Seattle Municipal Code to adopt development standards for certain properties in the 23rd & Union-Jackson Residential Urban Village.

Ordinance 125362

Council Bill 118980

AN ORDINANCE relating to land use and zoning; amending Section 23.41.010 of the Seattle Municipal Code to update the list of approved neighborhood design guidelines; approving and adopting the new Mount Baker Town Center Design Guidelines; and approving and adopting augmented Pike/Pine Design Guidelines.

Ordinance 125363

Council Bill 119004

AN ORDINANCE relating to land use and zoning; amending Map A for Section 23.68B.060 of the Seattle Municipal Code (SMC); and amending the Official Land Use

Map (Chapter 23.82 of the SMC) to make typographical corrections related to Exhibit A to Ordinance 125291 that rezoned certain land in Downtown, South Lake Union, and adjacent IC zones.

Ordinance 125364

Council Bill 119021

AN ORDINANCE relating to the reconstruction of Alaskan Way and the construction of Elliott Way surface street improvements necessary as part of the State of Washington's State Route 99 Alaskan Way Viaduct Replacement Program; authorizing the Mayor or the Mayor's designee to execute an Agreement with the State of Washington whereby the State will fund the construction of those improvements by The City of Seattle; and ratifying and confirming certain prior acts.

Ordinance 125365

Council Bill 119024

AN ORDINANCE relating to funding for housing and community development programs; adopting The City of Seattle 2017 Annual Action Plan to the 2014 - 2017 Consolidated Plan for Housing and Community Development and authorizing its submission to the United States Department of Housing and Urban Development; authorizing acceptance of grant funds from that department for programs and activities included in the Annual Action Plan; amending Ordinance 125207, which adopted the 2017 Budget, by modifying appropriations to various departments and budget control levels in the 2017 Adopted Budget; and lifting a proviso; and ratifying and confirming certain prior acts; all by a 3/4 vote of the City Council.

Ordinance 125366

Council Bill 119026

AN ORDINANCE relating to property at Sand Point; authorizing the Housing Director to execute an amendment to and partial termination of the lease of City of Seattle land authorized by Ordinance 122459, as amended pursuant to Ordinance 123196, to remove two parcels from that lease; authorizing a new lease of the removed parcels to SPH Two LLLP; authorizing deeds to buildings on those parcels; authorizing related documents and actions; and ratifying and confirming certain prior acts.

Ordinance 125367

Council Bill 119031

AN ORDINANCE amending Ordinance 125205, which conditioned the Seattle Department of Transportation's 2017 grant applications and repealed Ordinance 118719.

Ordinance 125368

Council Bill 119032

AN ORDINANCE related to City public works and the priority hire program; amending Sections 20.37.010, 20.37.020, 20.37.040, and 20.37.050 of the Seattle Municipal Code to change references to "project labor agreement" to "community workforce agreement," to make certain technical corrections, and to change the number of core workers open-shop contractors may bring to a project.

Ordinance 125369

Council Bill 119033

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

Ordinance 125370

Council Bill 118984

AN ORDINANCE relating to the Seattle Office for Civil Rights; amending Section 3.14.920 of the Seattle Municipal Code to increase the membership of the Seattle Human Rights Commission, the Seattle Lesbian, Gay, Bisexual, Transgender, Queer (LGBTQ) Commission, and the Seattle Commission for People with Disabilities and change the appointment authority for these and the Seattle Women's Commission.

Date of publication in the Seattle Daily Journal of Commerce, August 10, 2017.
8/10(362754)