



SEATTLE CITY COUNCIL

Legislative Summary

CB 119161

Record No.: CB 119161

Type: Ordinance (Ord)

Status: Passed

Version: 1

Ord. no: Ord 125487

In Control: City Clerk

File Created: 11/21/2017

Final Action: 12/11/2017

Title: AN ORDINANCE approving correction of the Property Use and Development Agreement (PUDA) approved by Ordinance 125394 for property located at 1203 East Spruce Street; and accepting a Corrected PUDA.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Johnson

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments: Ex A - Executed Corrected Property Use and Development Agreement, Ex A - Corrected PUDA

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	11/28/2017	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	11/30/2017	sent for review	Full Council			
	Action Text: The Council Bill (CB) was sent for review. to the Full Council						
	Notes:						
1	Full Council	12/04/2017	referred	Full Council			
1	Full Council	12/11/2017	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: <u>ACTION 1:</u>						

Motion was made and duly seconded to pass Council Bill 119161.

ACTION 2:

Motion was made by Councilmember Johnson, duly seconded and carried, to amend Council Bill 119161, Exhibit A, by substituting an executed Property Use and Development Agreement for the unexecuted Property Use and Development Agreement.

ACTION 3:

Motion was made and duly seconded to pass Council Bill 119161 as amended.

In Favor: 7 Councilmember Bagshaw, Councilmember González, Council
President Harrell, Councilmember Herbold, Councilmember Johnson,
Councilmember Mosqueda, Councilmember O'Brien

Opposed: 0

1 City Clerk 12/11/2017 attested by City Clerk
Action Text: The Ordinance (Ord) was attested by City Clerk.
Notes:

CITY OF SEATTLE

ORDINANCE 125487

COUNCIL BILL 119161

AN ORDINANCE approving correction of the Property Use and Development Agreement (PUDA) approved by Ordinance 125394 for property located at 1203 East Spruce Street; and accepting a Corrected PUDA.

WHEREAS, on September 5, 2017, the City Council passed Ordinance 125394, approving a contract rezone for a portion of a property located at 1203 East Spruce Street, including acceptance of a Property Use and Development Agreement (PUDA); and

WHEREAS, a condition in the PUDA accepted by Ordinance 125394 erroneously applied the requirements of Seattle Municipal Code Chapters 23.58B and 23.58C to all of the property, instead of just the portion of the property that was rezoned;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The Corrected Property Use and Development Agreement (PUDA) attached as Exhibit A to this ordinance is approved and accepted.

Section 2. The City Clerk is hereby authorized and directed to take the following actions: (1) file the Corrected PUDA, attached to this ordinance as Exhibit A, at the King County Recorder's Office; (2) upon return of the recorded Corrected PUDA from the King County Recorder's Office, file the original Corrected PUDA with this ordinance at the Office of the City Clerk; and (3) deliver copies of the Corrected PUDA and ordinance to the Director of the Seattle Department of Construction and Inspections and to the King County Assessor's Office.

Section 3. This ordinance, relating to 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 11th day of December, 2017,
and signed by me in open session in authentication of its passage this 11th day of
December, 2017.



President _____ of the City Council

Filed by me this 11th day of December, 2017.



Monica Martinez Simmons, City Clerk

(Seal)

Attachments:
Exhibit A – Corrected PUDA

FILED
CITY OF SEATTLE
17 DEC -7 PM 3: 02
CITY CLERK

Corrected 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)	Capitol Hill / First Hill Development, LLC	(2)	
☐ Additional grantors on page _____				
Grantee:	(1)	The City of Seattle		
☐ Additional on page _____				
Legal Description (abbreviated if necessary):	See Attachment A			
☐ Additional legal description on page: _____				
Assessor's Tax Parcel ID #:	3927400051, 3927400045, 4226900125, 4226900105, 4226900095, 4226900110, 4226900085, 4226900070, 4226900005, 4226900015, 4226900019, 4226900020 3927400005			
Reference Nos. of Documents Released or Assigned:				

THIS CORRECTED PROPERTY USE AND DEVELOPMENT AGREEMENT (the "Agreement") is executed this 7th day of Dec., 2017, in favor of the CITY OF SEATTLE

(the "City"), a Washington municipal corporation, by Capitol Hill / First Hill Development, LLC (the "Owner").

RECITALS

A. Capitol Hill / First Hill Development, LLC is the owner of that certain real property (the "Property") in the City of Seattle, which is legally described in Attachment A.

B. On September 5, 2017, the Seattle City Council passed Ordinance 125394, which rezoned a portion of the Property from Lowrise 3 (LR 3) multifamily residential to Neighborhood Commercial 3 with a 65-foot height limit (NC3 65) and accepted a Property Use and Development Agreement ("PUDA") in connection with the rezone. The PUDA was recorded under King County recording number 20171005000927. The portion of the Property that was rezoned pursuant to Ordinance 125394 is shown on Attachment B.

C. A condition in the PUDA accepted by Ordinance 125394 erroneously applied the requirements of Seattle Municipal Code Chapters 23.58.B and 23.58C to all of the Property, instead of just the portion of the Property that was rezoned.

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

AGREEMENT

Section 1. Corrected Conditions. Section 1 of the PUDA accepted by Ordinance 125394 is stricken and replaced with the following language:

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 a portion of the Property from LR3 to NC3 65:

- (a) Future development of the Property is restricted to a project that complies with Master Use Permit (MUP) #3018576, once the Seattle Department of Construction and Inspections (SDCI) issues that MUP. Prior to issuing the MUP, SDCI must confirm that the drawings substantially comply with the conditions established during the design review process, including the structure design and location on the site, structure height, building materials, landscaping, street improvements, parking design, signage and site lighting.
- (b) The provisions of Seattle Municipal Code Chapters 23.58B and 23.58C shall apply to the portion of the Property rezoned from LR 3 to NC3 65, as shown on Attachment B (the "Rezone Area"). For purposes of application of those Chapters, future development in the Rezone Area shall be subject to the following performance or payment requirements:

- For Chapter 23.58B, 8% per square foot for the performance option or \$12.75 per square foot for the payment option; and
- For Chapter 23.58C, 10% of units for the performance option or \$29.75 per square foot for the payment option.

Section 2. All terms and conditions of the PUDA accepted by Ordinance 125394 that are not changed by this Agreement remain valid.

SIGNED this 7th day of DEC., 2017.

Capitol Hill / First Hill Development,

a Washington limited liability company

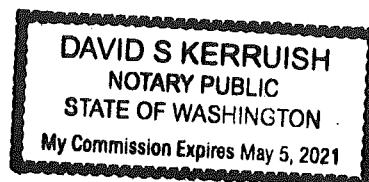
By: _____

ROBERT V. HARDY

Its: Managing Member

On this day personally appeared before me ROBERT V. HARDY, to me known to be the Managing Member, of Capitol Hill / First Hill Development, 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 7th day of DEC., 2017.



David S. Kerruish

		Printed Name <u>DAVID S. KERRUISH</u>
		NOTARY PUBLIC in and for the State of Washington, residing at <u>SEATTLE, WA</u>
		My Commission Expires <u>5-5-2021</u>
STATE OF WASHINGTON	}	ss.
COUNTY OF KING		

SIGNED this 7th day of DEC., 2017.

By: Hamed Saedi

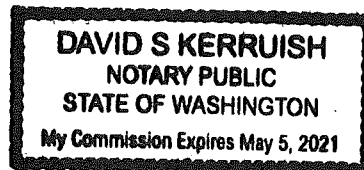
Hamed Saedi

On this day personally appeared before me HAMED SAEDI, an individual, and acknowledged such instrument to be the free and voluntary act and deed of such individual, 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 7th day of DEC., 2017.

David S. Kerruish

		Printed Name <u>DAVID S. KERRUISH</u>
		NOTARY PUBLIC in and for the State of Washington, residing at <u>SEATTLE, WA</u>
		My Commission Expires <u>5-5-2021</u>
STATE OF WASHINGTON	}	SS.
COUNTY OF KING		



ATTACHMENT A

Assessor's Parcel Number	Legal Description
3927400051	KOLLOCKS ADD N 82.8 FT OF W 40 FT OF 8 & N 98.8 FT OF 9-10-11 LESS ST Plat Block: 1 Plat Lot: 8-9-10-11 at Block: 1
3927400045	KOLLOCKS ADD Plat Block: 1 Plat Lot: 7
4226900125	LAWLERS ADD LOT 16 LESS ELY 12 FT THOF Plat Block: 1 Plat Lot: 16
4226900115	LAWLERS ADD WLY 18 FT OF 15 & ELY 12 FT OF 16 ALSO POR OF E 24 FT OF N 76 FT OF LOT 15 DAF BAAP ON N LN SD LOT 15 DIST 21 FT W OF NE COR TH W ALG SD N LN 3 FT TH S ALG W LN OF SD E 24 FT 76 FT TH E ALG S LN OF SD N 76 FT 2.37 FT TH NLY 76.1 FT M/L TO BEG Plat Block: 1 Plat Lot: 15-16
4226900105	LAWLERS ADD POR BEG C/L OF 4 FT CONCRETE WALKWAY 28.5 FT M/L W OF NE COR OF W 33 FT OF LOT 14 TH S ALG SD C/L 75 FT M/L TAP 44 FT N OF S LN OF SD LOT 14 TH W 28.5 FT M/L TO W LN OF E 24 FT OF SD LOT 15 TH N 76 FT M/L TO N LN OF SD LOT 15 TH E ALG N LN OF LOTS 15-14 DIST 28.5 FT M/L TO BEG LESS BEG AT NE COR OF ABOVE TRACT TH W ALG N LN THOF 25.5 FT TO TPOB TH CONTG W 3 FT TO NW COR THOF

Assessor's Parcel Number	Legal Description
	TH S ALG W LN SD TRACT 76 FT TO SW COR THOF TH E ALG S LN SD TRACT 2.37 FT TH NLY 76.1 FT M/L TO TPOB Plat Block: 1 Plat Lot: 14-15
4226900095	LAWLERS ADD POR BEG NXN OF N LN SD LOT 14 & C/L OF 4 FT CONCRETE WALKWAY WCH PT IS 28.5 FT M/L W OF NE COR OF W 33 FT OF SD LOT TH S ALG C/L OF WALKWAY 76 FT M/L TAP 44 FT N OF S LN OF SD LOT THE 28.5 FT M/L TO E LN OF W 33 FT OF SD LOT TH N 76 FT M/L TO NE COR OF W 33 FT OF SD LOT TH W ALG SD N LN 28.5 FT M/L TO BEG Plat Block: 1 Plat Lot: 14
4226900110	LAWLERS ADD S 44 FT OF W 33 FT OF 14 & S 44 FT OF E 24 FT OF 15 Plat Block: 1 Plat Lot: 14-15
4226900085	LAWLERS ADD W 39 FT OF 13 & E 9 FT 14 Plat Block: 1 Plat Lot: 13-14
4226900070	LAWLERS ADD LOT 12 TGW E 3 FT OF 13 Plat Block: 1 Plat Lot: 12-13
4226900005	LAWLERS ADD Plat Block: 1 Plat Lot: 1-2

Assessor's Parcel Number	Legal Description
4226900015	LAWLERS ADD Plat Block: 1 Plat Lot: 3
4226900019	LAWLERS ADD Plat Block: 1 Plat Lot: 4
4226900020	LAWLERS ADD W 40 FT Plat Block: 1 Plat Lot: 5
3927400005	KOLLOCKS ADD N 40.2 FT OF 2-3-4 & S 21.2 FT OF 9-10-11 & 8 LESS N 82.8 FT OF W 40 FT LESS ST Plat Block: 1 Plat Lot: 2-4, 8-11

STATE OF WASHINGTON -- KING COUNTY

--SS.

357151

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.

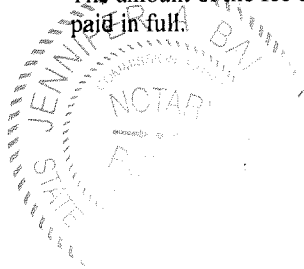
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:125487-125501 TITLE

was published on

01/05/18

The amount of the fee charged for the foregoing publication is the sum of \$348.74 which amount has been paid in full.



Subscribed and sworn to before me on

01/05/2018

Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication

State of Washington, King County

City of Seattle

The full text of the following legislation, passed by the City Council on December 11, 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 125487 Council Bill 119161

AN ORDINANCE approving correction of the Property Use and Development Agreement (PUDA) approved by Ordinance 125394 for property located at 1203 East Spruce Street; and accepting a Corrected PUDA.

Ordinance 125488 Council Bill 119164

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

Ordinance 125489 Council Bill 119160

AN ORDINANCE relating to City employment; authorizing the execution of two memoranda of understanding between The City of Seattle and International Brotherhood of Electrical Workers Local No. 77 to be effective January 23, 2017, through January 22, 2021; and ratifying and confirming certain prior acts.

Ordinance 125490 Council Bill 119081

AN ORDINANCE relating to the regulation of short-term rental businesses; adding a new Chapter 6.600, Short-Term Rentals, to the Seattle Municipal Code.

Ordinance 125491 Council Bill 119158

AN ORDINANCE relating to funding for housing and community development programs; amending the City of Seattle 2014, 2015, and 2017 Annual Action Plans to the 2014 - 2017 Consolidated Plan for Housing and Community Development to repurpose funds to Office of Economic Development (OED) neighborhood business district activities, business technical assistance, Section 108 loan repayment activities, and Housing Affordability and Livability Agenda (HALA) implementation activities, and to add disposition of real property; amending Ordinances 124496, 124756, and 125365, which adopted the 2014, 2015, and 2017 Annual Action Plans; amending Ordinance 125207, which adopted the 2017 Budget, by modifying appropriations to various departments and budget control levels in the 2017 Adopted Budget; and ratifying and confirming certain prior acts; all by a 3/4 vote of the City Council.

Ordinance 125492 Council Bill 119152

AN ORDINANCE pertaining to the fund structure of the City Treasury; reorganizing certain funds and subfunds consistent with the recommendations of the City's Financial Management and Accountability Program; creating new funds; transferring assets, liabilities, and fund balances between certain funds; making technical corrections; repealing Chapters 5.76 and 21.100 of the Seattle Municipal Code; amending Sections 3.02.120, 3.06.010, 3.06.055, 3.12.120, 3.15.007, 3.35.030, 3.35.050, 3.39.035, 4.40.020, 4.44.060, 4.50.020, 4.100.020, 5.06.030, 5.24.010, 5.24.020, 5.40.120, 5.64.030, 5.64.100, 5.78.200, 5.78.210, Chapter 5.80, Sections 11.16.312, 11.61.090, 12A.10.110, 15.04.074, 15.62.110, 15.91.016, 16.08.050, 20.32.050, 22.202.050, 22.202.060, 22.214.087, 22.220.090, 22.220.100, 22.900G.080, 22.930.120, 23.58D.006, and 23.90.018 of the Seattle Municipal Code; and amending Ordinances 104195, 112556,

114893, 115859, 116642, 117342, 117472, 117977, 118289, 118617, 119273, 119758, 120214, 120489, 120912, 120944, 121206, 121661, 121742, 122088, 122424, 122603, 122876, 123177, 123184, 123761, 124652, 124833, and 124906.

Ordinance 125493 Council Bill 119153

AN ORDINANCE amending Ordinance 125475, which adopted the 2018 Budget; modifying appropriations to various budget control levels and from various funds in the Budget; and ratifying and confirming certain prior acts.

Ordinance 125494 Council Bill 119157

AN ORDINANCE authorizing, in 2017, acceptance of funding from non-City sources; authorizing the heads of the Executive Department, Department of Parks and Recreation, Finance and Administrative Services Department, Seattle Department of Construction and Inspections, Seattle Department of Transportation, Seattle Fire Department, and Seattle Police Department to accept specified grants and private funding and to execute, deliver, and perform corresponding agreements; and ratifying and confirming certain prior acts.

Ordinance 125495 Council Bill 119156

AN ORDINANCE amending Ordinance 125207, which adopted the 2017 Budget, including the 2017-2022 Capital Improvement Program (CIP) (commonly known as the 4th quarter supplemental); changing appropriations to various departments and budget control levels, and from various funds in the Budget; adding new projects; revising project allocations for certain projects in the 2017-2022 CIP; creating non-exempt positions; modifying positions; making cash transfers between various City funds; and ratifying and confirming certain prior acts; all by a 3/4 vote of the City Council.

Ordinance 125496 Council Bill 119162

AN ORDINANCE relating to the City Light Department; accepting various easements for overhead and underground electrical rights in King County, Washington; placing said easements under the jurisdiction of the City Light Department; and ratifying and confirming certain prior acts.

Ordinance 125497 Council Bill 119163

AN ORDINANCE relating to the City Light Department; accepting statutory warranty deeds to the Citipoint Church, GKI Properties, LLC, the Martin, Nelson, Taylor, and Voegtlin-Anderson properties in Skagit County, Washington, the Crawley and Wright properties in Snohomish County, Washington, and a treasurer's deed for a Skagit County property in Skagit County, all for salmonid habitat protection purposes; declaring certain real property rights surplus and no longer required for providing public utility service or other municipal purposes; ratifying the grants of Deeds of Right to the State of Washington on the Crawley, GKI Properties, LLC, and Voegtlin-Anderson properties for salmon recovery and conservation purposes; placing said lands under the jurisdiction of the City Light Department; and ratifying and confirming certain prior acts.

Ordinance 125498 Council Bill 119049

AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the Superintendent of Parks and Recreation to enter into a Concession Agreement with EarthCorps to occupy and use a portion of Building 30 at Warren G. Magnuson Park for general office purposes.

Ordinance 125499 Council Bill 119145

AN ORDINANCE relating to employment in Seattle; amending Sections 14.16.010, 14.16.015, 14.16.020, 14.16.025, 14.16.030, 14.16.040, 14.16.045, 14.16.050, 14.16.055, 14.16.120, 14.22.010, and 14.22.020 of the Seattle Municipal Code (SMC) to strengthen and clarify labor standards requirements for paid sick and paid safe time and secure scheduling; and amending the name of Chapter 14.22 of the SMC to make a technical correction.

Ordinance 125500 Council Bill 119151

AN ORDINANCE relating to the Central Puget Sound Regional Transit Authority (Sound Transit); authorizing the Director of the Seattle Department of Transportation to execute an amendment to the "Agreement between the City of Seattle and Sound Transit for Grant of Non-Exclusive Use of a Light Rail Transit Way as related to the Link Light Rail Transit Project" to reflect the approved alignment for the Link Light Rail Transit Project, including addition of the portion of the Lynnwood Link Extension located within The City of Seattle; and ratifying and confirming certain prior acts.

Ordinance 125501 Council Bill 119155

AN ORDINANCE relating to the State Route 99 Alaskan Way Viaduct and Seawall Replacement Program; authorizing the Mayor or the Mayor's designees to execute an Agreement with the State of Washington to set forth roles and responsibilities for the State's project to demolish the existing Alaskan Way Viaduct structure once the bored tunnel is opened to drivers.

Date of publication in the Seattle Daily Journal of Commerce, January 5, 2018.

1/5(357151)