



SEATTLE CITY COUNCIL

Legislative Summary

CB 119511

Record No.: CB 119511

Type: Ordinance (Ord)

Status: Passed

Version: 1

Ord. no: Ord 125820

In Control: City Clerk

File Created: 04/30/2019

Final Action: 05/20/2019

Title: AN ORDINANCE relating to land use and zoning; affirming the rezone approved through Ordinance 125640; and accepting an amended Property Use and Development Agreement as a condition of rezone approval. (Remand of the approval granted through C.F. 314356 of a rezone application by 70th & Greenwood Ave, LLC, C.F. 314425, SDCI Project 3023260)

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Pacheco

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments: Ex A – Executed Amended 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	City Clerk	04/30/2019	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	05/02/2019	sent for review	City Council			
	Action Text: The Council Bill (CB) was sent for review. to the City Council						
	Notes:						
1	City Council	05/06/2019	referred	City Council			
	Action Text: The Council Bill (CB) was referred. to the City Council						
1	City Council	05/20/2019	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 Harrell and duly seconded to pass Council Bill 119511.

ACTION 2:

Motion was made by Councilmember O'Brien, duly seconded and carried, to amend Council Bill 119511, Exhibit A, by substituting an executed Amended Property Use and Development Agreement for the unexecuted Amended Property Use and Development Agreement.

ACTION 3:

Motion was made and duly seconded to pass Council Bill 119511 as amended.

In Favor: 8 Councilmember González , Council President Harrell, Councilmember Herbold, Councilmember Juarez, Councilmember Mosqueda, Councilmember O'Brien, Councilmember Pacheco, Councilmember Sawant

Opposed: 0

1 City Clerk 05/20/2019 attested by City Clerk
Action Text: The Ordinance (Ord) was attested by City Clerk.

CITY OF SEATTLE

ORDINANCE 125820

COUNCIL BILL 119511

AN ORDINANCE relating to land use and zoning; affirming the rezone approved through Ordinance 125640; and accepting an amended Property Use and Development Agreement as a condition of rezone approval. (Remand of the approval granted through C.F. 314356 of a rezone application by 70th & Greenwood Ave, LLC, C.F. 314425, SDCI Project 3023260)

WHEREAS, in August 2018, the City Council (“Council”) passed Ordinance 125640, which amended the Official Land Use Map to rezone a property located at 7009 Greenwood Avenue North from Neighborhood Commercial 2 with a 40-foot height limit (NC2 40) to Neighborhood Commercial 2 with a 55-foot height limit and mandatory housing affordability suffix (NC2 55 (M)) and accepted a Property Use and Development Agreement; and

WHEREAS, Bob Morgan and Irene Wall (“Appellants”) filed a land use petition (No. 18-2-21317-7) in King County Superior Court alleging multiple errors in the Council’s rezone decision; and

WHEREAS, in March 2019, the Superior Court remanded the decision to the Council “to address compliance with [Seattle Municipal Code subsection] 23.34.009.D.2, which requires that ‘[a] gradual transition in height and scale and level of activity between zones shall be provided unless major physical buffers, as described in subsection [23.34.008.E.2], are present,’ in the area where the commercial Lot 287710-4100 shares a rear boundary line with the single family residential Lot 287710-4120 at 7010 Palatine Avenue North”; and

1 WHEREAS, on April 17, 2019, the Council's Planning, Land Use and Zoning Committee heard
2 oral argument from the Appellants and the rezone applicant on the remanded issue and
3 recommended additional conditions in the area where the commercial Lot 287710-4100
4 shares a rear boundary line with the single-family residential Lot 287710-4120 to secure
5 a gradual transition and physical buffer; and

6 WHEREAS, Council decisions related to contract rezone applications have no precedential
7 effect; NOW, THEREFORE,

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

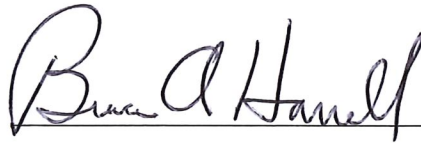
9 Section 1. The City Council affirms the amendment to the Official Land Use Map made
10 by Section 2 of Ordinance 125640.

11 Section 2. The amended Property Use and Development Agreement (PUDA) attached to
12 this ordinance as Exhibit A is approved and accepted.

13 Section 3. The City Clerk is authorized and directed to take the following actions: (1) file
14 the PUDA approved in Section 2 of this ordinance with the King County Recorder's Office;
15 (2) upon return of the recorded PUDA from the King County Recorder's Office, file the original
16 PUDA along with this ordinance at the City Clerk's Office; and (3) deliver copies of the PUDA
17 and this ordinance to the Director of the Seattle Department of Construction and Inspections and
18 to the King County Assessor's Office.

Section 4. This ordinance, effectuating a quasi-judicial decision of the City Council and not subject to mayoral approval or disapproval, shall take effect 30 days from its approval by the City Council.

Passed by the City Council the 20th day of MAY, 2019,
and signed by me in open session in authentication of its passage this 20th day of MAY, 2019.



President _____ of the City Council

Filed by me this 20th day of MAY, 2019.



Monica Martinez Simmons, City Clerk

(Seal)

Attachments:
Exhibit A – Amended Property Use and Development Agreement

FILED
CITY OF SEATTLE
15 PM 3:16/19
19 MAY 18 AM 11:54
CITY CLERK

Amended 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)	70 th & Greenwood Ave, 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 #:	287710-4100, 287710-4085, 287710-4127, 287710-4120			
Reference Nos. of Documents Released or Assigned:				

THIS AMENDED PROPERTY USE AND DEVELOPMENT AGREEMENT (the "Agreement") is executed this ____ day of ____, 2019, in favor of the CITY OF SEATTLE (the "City"), a Washington municipal corporation, by 70th & Greenwood, LLC (the "Owner").

RECITALS

A. 70th & Greenwood, LLC is the owner of that certain real property (the "Property") in the City of Seattle zoned Single Family 5000 (SF 5000) and Neighborhood Commercial 2 with a 40-foot height limit (NC2 40), which is legally described in Attachment A.

B. In December 2016, the Owner submitted to the City of Seattle an application under Master Use Permit (MUP) No. 3023260 for a rezone of the commercially-zoned portion of the Property. In February of 2018, the Owner revised the application to seek a rezone from NC2 40 to Neighborhood Commercial 2 with a 55-foot height limit and M suffix (NC2 55 (M)). The purpose of the application is to develop the commercially-zoned portion of the property with a 35 unit mixed-use building with approximately 6,000 square feet of retail space and below-grade parking for 26 vehicles. A single-family house and detached structure on the SF 5000 portion of the Property would remain. The Property and rezone area are shown on Attachment B.

C. In August 2018, the Council passed Ordinance 125640 which amended the Official Land Use Map to rezone a property located at 7009 Greenwood Avenue from NC2 40 to NC2 55 (M) and accepted a Property Use and Development Agreement.

D. Those approvals were appealed through a land use petition (No. 18-2-21317-7) in King County Superior Court;

E. In March 2019, the Court remanded the decision to the Council "...to address compliance with SMC 23.34.009.D.2, which requires that '[a] gradual transition in height and scale and level of activity between zones shall be provided unless major physical buffers, as described in subsection [23.34.008.E.2], are present, in the area where the commercial Lot 287710- 4100 shares a rear boundary line with the single family residential Lot 287710- 4120 at 7010 Palatine Avenue North."

F. 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" and restrictions applying the provisions of Chapters 23.58B and 23.58C to the Property.

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

AGREEMENT

Section 1. Amended Condition. Section 1 of the PUDA accepted by Ordinance 125640 is stricken and replaced with the following language:

Section 1. Agreement. Pursuant to Seattle Municipal Code Section ("SMC") 23.34.004, the Owner 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 NC2 40 to NC2 55 (M):

- (a) Before a building permit is issued, the Owner shall submit to, and obtain approval from, the Seattle Department of Construction and Inspections (SDCI) of revised landscape plans substantially similar to the plan shown on Attachment C.
- (b) Future development of the Property, including the single-family-zoned portion, is restricted to a project that complies with Master Use Permit (MUP) No. 3023260, once SDCI approves a revised MUP that conforms to the requirements of condition 1(a) of this Agreement. This includes maintaining as landscaped open space the area identified on Attachment A as Assessor's Parcel Number 287710-4127 and the eastern portion of 287710-4120 shown on Attachment C.
- (c) The provisions of Seattle Municipal Code Chapters 23.58B and 23.58C shall apply to the rezoned portion of Property. For purposes of applying those Chapters, future development of the rezoned portion of the Property shall be subject to the following performance or payment requirements:
 - For Chapter 23.58B, 5% per square foot for the performance option or \$7.00 per square foot for the payment option; and
 - For Chapter 23.58C, 6% of units for the performance option or \$13.25 per square foot for the payment option.

Section 2. All terms and conditions of the PUDA accepted by Ordinance 125640 that are not changed by this Agreement remain valid.

SIGNED this 13th day of May, 2019.

70th & Greenwood,

a Washington limited liability company

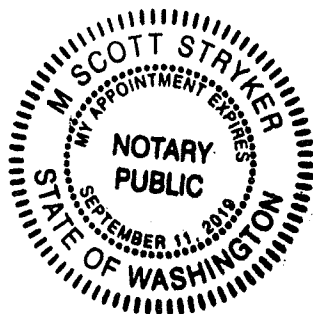
By: OJD LLC, its Manager

By: [Signature]

Chad Dale, its Manager

On this day personally appeared before me Chad Dale, to me known to be the Managing Member, of 70th & Greenwood Ave, 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 13 day of May, 2019.

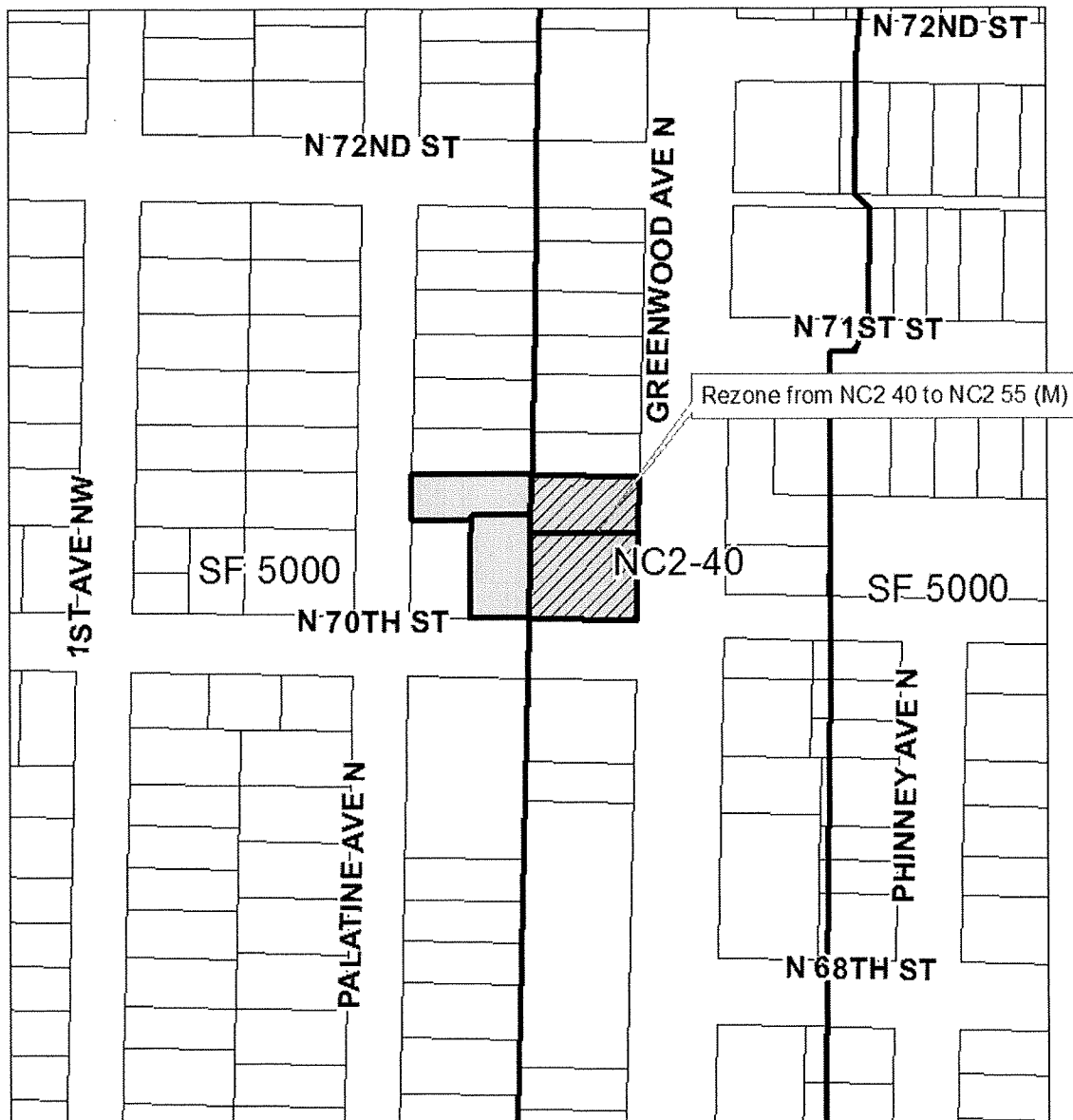


		Printed Name <u>M Scott Stryker</u>
		NOTARY PUBLIC in and for the State of Washington, residing at <u>3837 Stone Way Ave. N.</u>
		My Commission Expires <u>September 11, 2019</u> <u>Seattle, 98103</u>
STATE OF WASHINGTON	}	SS.
COUNTY OF KING		

ATTACHMENT A

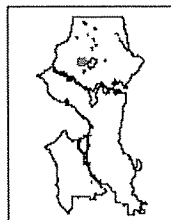
Assessor's Parcel Number	Legal Description
287710-4100 And 287710-4085	LOTS 1, 2, 3, 4, AND 5, IN BLOCK 23 OF GREENLAKE CIRCLE RAILROAD ADDITION TO THE CITY OF SEATTLE, AS PER PLAT RECORDED IN VOLUME 2 OF PLATS ON PAGE 170, RECORDS OF KING COUNTY, WASHINGTON. EXCEPT FOR THE EAST 10 FEET THEREOF CONDEMNED FOR GREENWOOD AVENUE IN THE SUPERIOR COURT OF KING COUNTY CAUSE NO. 65489, UNDER PROVISIONS OF ORDINANCE NO. 19334.
287710-4127	THE SOUTH 15 FEET OF THE EAST 53 FEET OF LOT 9 AND THE EAST 53 FEET OF LOTS 10, 11, AND 12, IN BLOCK 23 OF GREENLAKE CIRCLE RAILROAD ADDITION TO THE CITY OF SEATTLE, AS PER RECORDED VOLUME 2 OF PLATS ON PAGE 170, RECORDS OF KING COUNTY, WASHINGTON. SITUATE IN THE CITY OF SEATTLE, COUNTY OF KING, STATE OF WASHINGTON.
287710-4120	LOTS 8 AND 9, BLOCK 23, GREEN LAKE CIRCLE RAILROAD ADDITION TO THE CITY OF SEATTLE, ACCORDING TO THE PLAT THEREOF RECORED IN VOLUME 2 OF PLATS, PAGE 170, RECORDS OF KING COUNTY, WASHINGTON; EXCEPT THE SOUTH 13.5 FEET OF THE EAST 53 FEET OF LOT 9; AND EXCEPT THE SOUTH 10 FEET OF THE WEST 54.5 FEET OF LOT 9.

ATTACHMENT B



Rezone
Clerk File 314356
SDCI Project No. 3023260
7009 Greenwood Ave N.

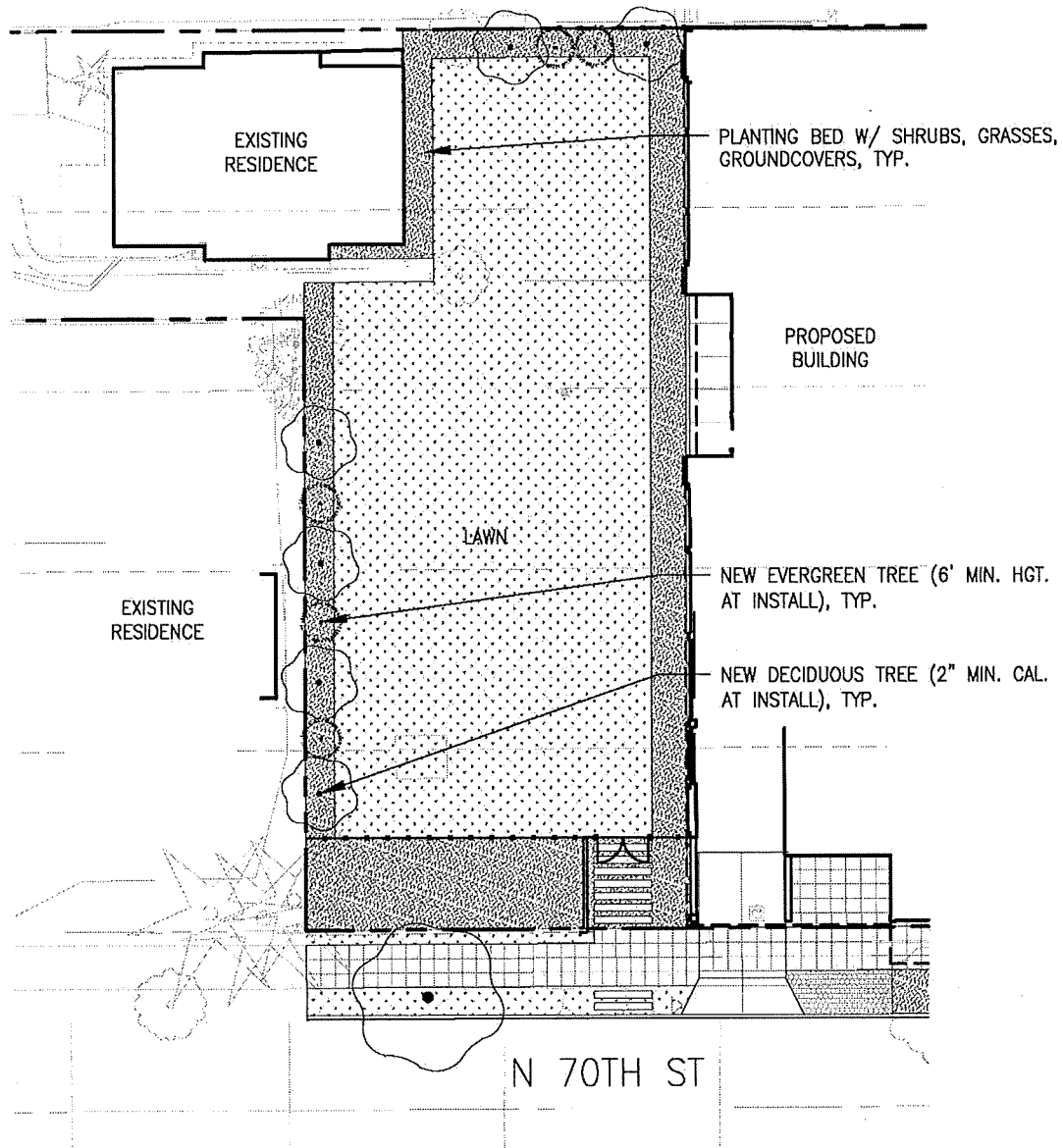
-  Rezone Area
-  Area Subject To PUDA



No warranties of any sort, including accuracy, fitness, or merchantability accompany this product.
Copyright 2018, All Rights Reserved
City of Seattle. Prepared July 6, 2018
by Council Central Staff.

0 100 200 300
Feet

ATTACHMENT C



LANDSCAPE PLAN

SHARED ROOF
7009 GREENWOOD AVE N

1"=20'-0"



Return Address:

Seattle City Clerk's Office

600 4th Avenue, Floor 3

P O Box 94728

Seattle, WA 98124 - 4728

WASHINGTON STATE RECORDER'S Cover Sheet (RCW 65.04)

Please print or type information

Document Title(s) (or transaction contained therein):

Amended Property Use and Development (PUDA) to rezone property located at 7009 Greenwood Avenue North from Neighborhood Commercial 2 with a 40-ft. height limit to Commercial 2 with a 55-ft. height limit approved by Ordinance 125640.

Grantor(s)

70th & Greenwood Ave, LLC, a Washington limited liability company.

Grantee(s) (Last name first, then first name and initials)

City of Seattle

Legal description (abbreviated: i.e. lot, block, plat or section, township, range)

Additional legal on page ____ of document

287710-4100, 287710-4085 - Lots 1, 2, 3, 4, and 5, in Blk 23 of Greenlake Circle Railroad Addition to the City of Seattle, as per Plat recorded in Vol. 2 of Plats on pg 170, records of King County, Washington.

287710-4127 - The South 15 ft. of the East 53 ft. of Lot 9 and the East 53 ft of Lots 10, 11, and 12, in Blk 23 of Greenlake Circle Railroad Addition to the City of Seattle, as per recorded Vol 2 of Plats of pg. 170 record of King County, Washington.

287710-4120 - Lots 8 and 9, Blk 23, Greenlake Circle Railroad Addition to the City of Seattle, according to the Plat thereof recorded in Vol. 2 of Plats, pg 170, records of King County, Washington.

Assessor's Property Tax Parcel/Account Number

287710-4100, 287710-4085, 287710-4127 and 287710-4120

The Auditor/Recorder will rely on the information provided on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

I am requesting an emergency nonstandard recording for an additional fee as provided in RCW 36.18.010. I understand that the recording processing requirements may cover up or otherwise obscure some part of the text of the original document.

Signature of Requesting Party

5 AN ORDINANCE relating to land use and zoning; affirming the rezone approved through
6 Ordinance 125640; and accepting an amended Property Use and Development Agreement
7 as a condition of rezone approval. (Remand of the approval granted through C.F. 314356
8 of a rezone application by 70th & Greenwood Ave, LLC, C.F. 314425, SDCI Project
9 3023260)
10
11 WHEREAS, in August 2018, the City Council ("Council") passed Ordinance 125640, which
12 amended the Official Land Use Map to rezone a property located at 7009 Greenwood
13 Avenue North from Neighborhood Commercial 2 with a 40-foot height limit (NC2 40) to
14 Neighborhood Commercial 2 with a 55-foot height limit and mandatory housing
15 affordability suffix (NC2 55 (M)) and accepted a Property Use and Development
16 Agreement; and
17 WHEREAS, Bob Morgan and Irene Wall ("Appellants") filed a land use petition (No. 18-2-
18 21317-7) in King County Superior Court alleging multiple errors in the Council's rezone
19 decision; and
20 WHEREAS, in March 2019, the Superior Court remanded the decision to the Council "to
21 address compliance with [Seattle Municipal Code subsection] 23.34.009.D.2, which
22 requires that '[a] gradual transition in height and scale and level of activity between zones
23 shall be provided unless major physical buffers, as described in subsection
24 [23.34.008.E.2], are present,' in the area where the commercial Lot 287710-4100 shares a
25 rear boundary line with the single family residential Lot 287710-4120 at 7010 Palatine
26 Avenue North"; and

5 a gradual transition and physical buffer; and

6 WHEREAS, Council decisions related to contract rezone applications have no precedential
7 effect; NOW, THEREFORE,

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

9 Section 1. The City Council affirms the amendment to the Official Land Use Map made
10 by Section 2 of Ordinance 125640.

11 Section 2. The amended Property Use and Development Agreement (PUDA) attached to
12 this ordinance as Exhibit A is approved and accepted.

13 Section 3. The City Clerk is authorized and directed to take the following actions: (1) file
14 the PUDA approved in Section 2 of this ordinance with the King County Recorder's Office;
15 (2) upon return of the recorded PUDA from the King County Recorder's Office, file the original
16 PUDA along with this ordinance at the City Clerk's Office; and (3) deliver copies of the PUDA
17 and this ordinance to the Director of the Seattle Department of Construction and Inspections and
18 to the King County Assessor's Office.

5 and signed by me in open session in authentication of its passage this 20th day of
6 May, 2019.
7
8 Brian A. Hamell
President _____ of the City Council

9 Filed by me this 20th day of May, 2019.
10 Monica Martinez Simmons
11 Monica Martinez Simmons, City Clerk

12 State of Washington,
(Seal) County of King
I, Darryl Brooks, certify that this is a true and correct
copy of Ordinance 125820 on file in the records
of the City of Seattle, Office of the City Clerk.



Signed by: Darryl Brooks
Signature
Title: Legislative Info. Specialist II
Date: 6/12/19

13 Attachments:
14 Exhibit A – Amended Property Use and Development Agreement

Instrument Number: 20190618001561 Document: Rec: \$109.00 Page-5 of 11
Record Date:6/18/2019 4:40 PM King County, WA

Amended 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)	70 th & Greenwood Ave, 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 #:			287710-4100, 287710-4085, 287710-4127, 287710-4120	
Reference Nos. of Documents Released or Assigned:				

A. 7000 & Greenwood, LLC is the owner of that certain real property (the Property) in the City of Seattle zoned Single Family 5000 (SF 5000) and Neighborhood Commercial 2 with a 40-foot height limit (NC2 40), which is legally described in Attachment A.

B. In December 2016, the Owner submitted to the City of Seattle an application under Master Use Permit (MUP) No. 3023260 for a rezone of the commercially-zoned portion of the Property. In February of 2018, the Owner revised the application to seek a rezone from NC2 40 to Neighborhood Commercial 2 with a 55-foot height limit and M suffix (NC2 55 (M)). The purpose of the application is to develop the commercially-zoned portion of the property with a 35 unit mixed-use building with approximately 6,000 square feet of retail space and below-grade parking for 26 vehicles. A single-family house and detached structure on the SF 5000 portion of the Property would remain. The Property and rezone area are shown on Attachment B.

C. In August 2018, the Council passed Ordinance 125640 which amended the Official Land Use Map to rezone a property located at 7009 Greenwood Avenue from NC2 40 to NC2 55 (M) and accepted a Property Use and Development Agreement.

D. Those approvals were appealed through a land use petition (No. 18-2-21317-7) in King County Superior Court;

E. In March 2019, the Court remanded the decision to the Council "...to address compliance with SMC 23.34.009.D.2, which requires that '[a] gradual transition in height and scale and level of activity between zones shall be provided unless major physical buffers, as described in subsection [23.34.008.E.2], are present, in the area where the commercial Lot 287710- 4100 shares a rear boundary line with the single family residential Lot 287710- 4120 at 7010 Palatine Avenue North."

F. 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" and restrictions applying the provisions of Chapters 23.58B and 23.58C to the Property.

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

AGREEMENT

Section 1. Amended Condition. Section 1 of the PUDA accepted by Ordinance 125640 is stricken and replaced with the following language:

approval from, the Seattle Department of Construction and Inspections (SDCI) of revised landscape plans substantially similar to the plan shown on Attachment C.

- (b) Future development of the Property, including the single-family-zoned portion, is restricted to a project that complies with Master Use Permit (MUP) No. 3023260, once SDCI approves a revised MUP that conforms to the requirements of condition 1(a) of this Agreement. This includes maintaining as landscaped open space the area identified on Attachment A as Assessor's Parcel Number 287710-4127 and the eastern portion of 287710-4120 shown on Attachment C.
- (c) The provisions of Seattle Municipal Code Chapters 23.58B and 23.58C shall apply to the rezoned portion of Property. For purposes of applying those Chapters, future development of the rezoned portion of the Property shall be subject to the following performance or payment requirements:
 - For Chapter 23.58B, 5% per square foot for the performance option or \$7.00 per square foot for the payment option; and
 - For Chapter 23.58C, 6% of units for the performance option or \$13.25 per square foot for the payment option.

Section 2. All terms and conditions of the PUDA accepted by Ordinance 125640 that are not changed by this Agreement remain valid.

By: Chad Dale, its Manager
Chad Dale, its Manager

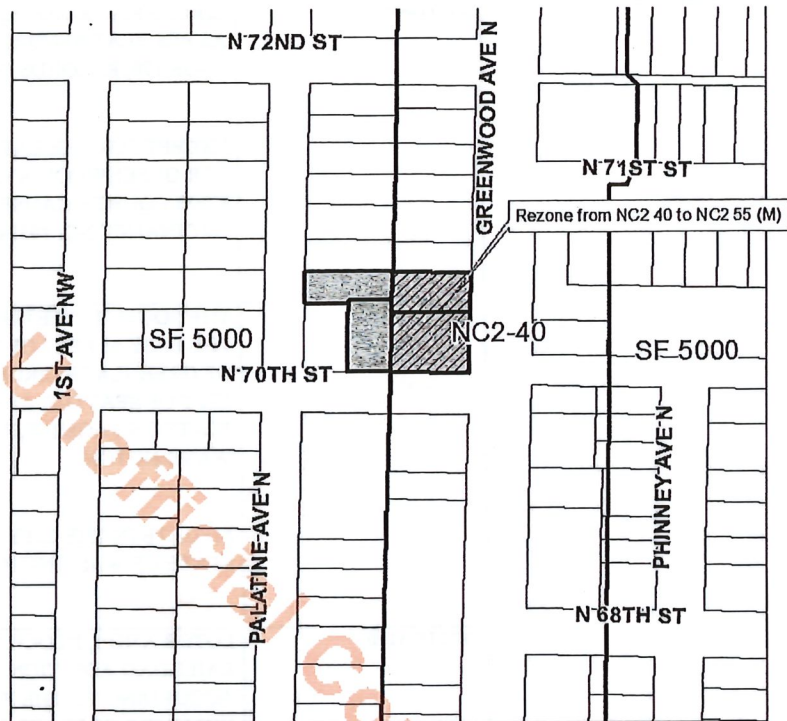
On this day personally appeared before me Chad Dale to me known to be the Managing Member, of 70th & Greenwood Ave, a Washington limited liability company that executed the foregoing instrument, and acknowledged such instrument to be the free and voluntary act and deed of such limited liability company, 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 13 day of May, 2019.



		Printed Name <u>M Scott Stryker</u>
		NOTARY PUBLIC in and for the State of Washington, residing at <u>3087 Stone Way Ave. N.</u>
		My Commission Expires <u>September 11, 2019</u> <u>Seattle, 98103</u>
STATE OF WASHINGTON	}	SS.
COUNTY OF KING		

287710-4126	CIRCLE RAILROAD ADDITION TO THE CITY OF SEATTLE, AS PER PLAT RECORDED IN VOLUME 2 OF PLATS ON PAGE 170, RECORDS OF KING COUNTY, WASHINGTON. EXCEPT FOR THE EAST 10 FEET THEREOF CONDEMNED FOR GREENWOOD AVENUE IN THE SUPERIOR COURT OF KING COUNTY CAUSE NO. 65489, UNDER PROVISIONS OF ORDINANCE NO. 19334.
287710-4127	THE SOUTH 15 FEET OF THE EAST 53 FEET OF LOT 9 AND THE EAST 53 FEET OF LOTS 10, 11, AND 12, IN BLOCK 23 OF GREENLAKE CIRCLE RAILROAD ADDITION TO THE CITY OF SEATTLE, AS PER RECORDED VOLUME 2 OF PLATS ON PAGE 170, RECORDS OF KING COUNTY, WASHINGTON. SITUATE IN THE CITY OF SEATTLE, COUNTY OF KING, STATE OF WASHINGTON.
287710-4120	LOTS 8 AND 9, BLOCK 23, GREEN LAKE CIRCLE RAILROAD ADDITION TO THE CITY OF SEATTLE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2 OF PLATS, PAGE 170, RECORDS OF KING COUNTY, WASHINGTON; EXCEPT THE SOUTH 13.5 FEET OF THE EAST 53 FEET OF LOT 9; AND EXCEPT THE SOUTH 10 FEET OF THE WEST 54.5 FEET OF LOT 9.



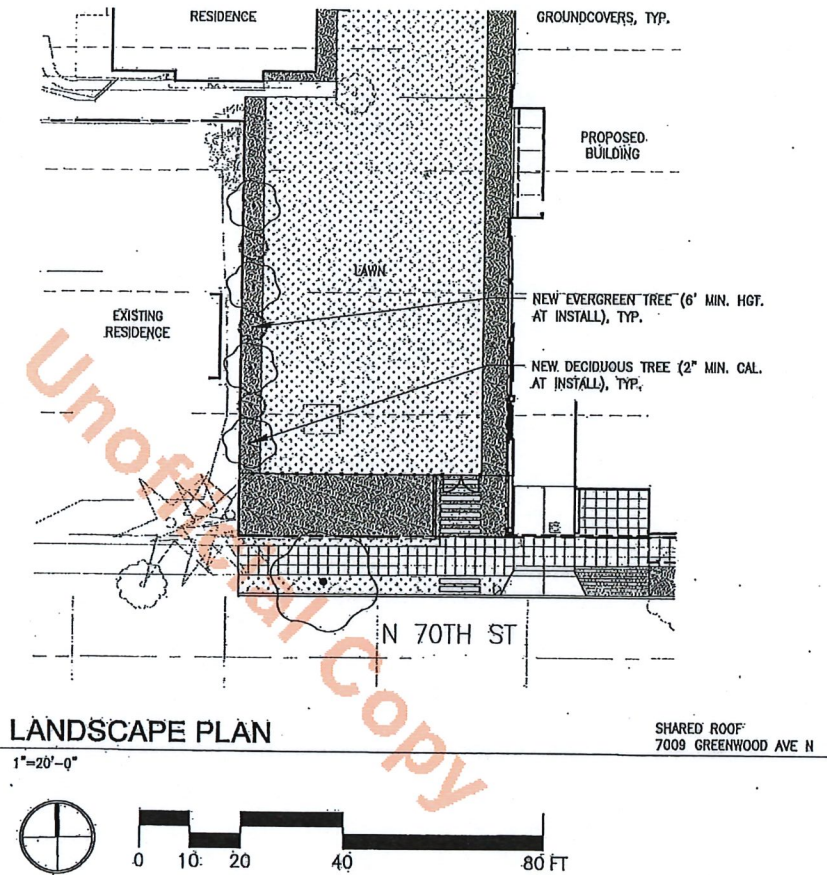
Rezoned
 Clerk File 314356
 SDCI Project No. 3023260
 7009 Greenwood Ave N.

-  Rezoned Area
-  Area Subject To PUDA



No warranties of any sort, including accuracy, fitness, or merchantability accompany this product.
 Copyright 2018, All Rights Reserved City of Seattle. Prepared July 6, 2018 by Council Central Staff.

0 100 200 300 Feet



SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	Executive Contact/Phone:
Legislative	Ketil Freeman/206.684.8178	

** Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

1. BILL SUMMARY

a. Legislation Title:

AN ORDINANCE relating to land use and zoning; affirming the rezone approved through Ordinance 125640; and accepting an amended Property Use and Development Agreement as a condition of rezone approval. (Remand of the approval granted through C.F. 314356 of a rezone application by 70th & Greenwood Ave, LLC, C.F. 314425, SDCI Project 3023260)

b. Summary and background of the Legislation:

This bill would affirm a contract rezone granted through Clerk File 314356 and Ordinance 125640 and accept an amended Property Use and Development Agreement (PUDA) associated with the rezone.

On August 6, 2018, the Council passed Ordinance 125640, which amended the Official Land Use Map and accepted a PUDA for a proposed project located at 7009 Greenwood Avenue North.

On August 27, 2018, Irene Wall and Bob Morgan (Appellants) filed a land use petition in King County Superior Court alleging six errors in the Council's decision and requesting, among other things, that the Court reverse the Council's decision. On March 5, 2019, the Court issued an order: (1) remanding the rezone approval to Council to address compliance with one rezone criterion, (2) denying other claims by the Appellants, and (3) retaining jurisdiction. On March 27, 2019, the Court issued an amended order after reconsideration. The amended order directs:

Pursuant to RCW 36.70C.140, the contract rezone approval and Property Use and Development Agreement are hereby remanded to the City Council to address compliance with SMC 23.34.009.D.2, which requires that '[a] gradual transition in height and scale and level of activity between zones shall be provided unless major physical buffers, as described in subsection [23.34.008.E.2], are present,' in the area where the commercial Lot 287710- 4100 shares a rear boundary line with the single family residential Lot 287710- 4120 at 7010 Palatine Avenue North. (Order of Remand after Reconsideration, March 27, 2019)

On April 17, 2019, the Planning, Land Use and Zoning Committee heard oral argument from the applicant and Appellants. The Committee recommended that the rezone be affirmed subject to additional conditioning that would limit development in a landscaped

open space buffer between a proposed mixed-use building and an existing single-family house to provide a gradual transition between zones.

2. CAPITAL IMPROVEMENT PROGRAM

- a. Does this legislation create, fund, or amend a CIP Project? ☐ Yes ☒ No

3. SUMMARY OF FINANCIAL IMPLICATIONS

- a. Does this legislation amend the Adopted Budget? ☐ Yes ☒ No
- b. Does the legislation have other financial impacts to the City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?
No
- c. Is there financial cost or other impacts of *not* implementing the legislation?
No

4. OTHER IMPLICATIONS

- a. Does this legislation affect any departments besides the originating department?
No
- b. Is a public hearing required for this legislation?
No
- c. Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?
No
- d. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?
No
- e. Does this legislation affect a piece of property?
Yes, see Exhibit A to this bill and exhibits A and B to ordinance 125640.
- f. 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

- g. If this legislation includes a new initiative or a major programmatic expansion:
What are the specific long-term and measurable goal(s) of the program? How will
this legislation help achieve the program's desired goal(s).**

Not applicable

- h. Other Issues:**

None

List attachments/exhibits below:

STATE OF WASHINGTON -- KING COUNTY

--SS.

374671

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.

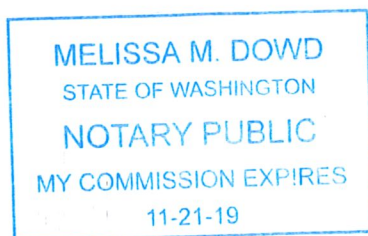
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:125820,821 & 822 TITLE

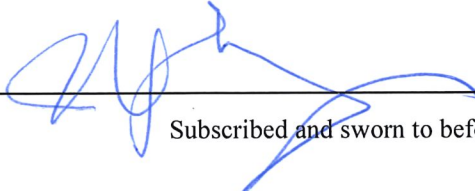
was published on

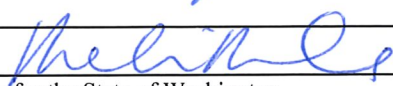
06/06/19

The amount of the fee charged for the foregoing publication is the sum of \$74.52.



Affidavit of Publication



Subscribed and sworn to before me on
06/06/2019


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 May 20, 2019, 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 125820

Council Bill 119511

AN ORDINANCE relating to land use and zoning; affirming the rezone approved through Ordinance 125640; and accepting an amended Property Use and Development Agreement as a condition of rezone approval. (Remand of the approval granted through C.F. 314356 of a rezone application by 70th & Greenwood Ave, LLC, C.F. 314425, SDCI Project 3023260)

Ordinance 125821

Council Bill 119518

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

Ordinance 125822

Council Bill 119515

AN ORDINANCE relating to Seattle Public Utilities; amending Ordinance 125475, which adopted the 2018 Budget, lifting the proviso in Section 8 regarding expenditure of funds appropriated in the Combined Sewer Overflow Budget Control Level for construction of the Ship Canal Water Quality Project Storage Tunnel, as Seattle Public Utilities has completed 100% project design and has met the requirement for reporting to the City Council Civil Rights, Utilities, Economic Development & Arts Committee.

Date of publication in the Seattle Daily Journal of Commerce, June 6, 2019.

6/6(374671)