



SEATTLE CITY COUNCIL

Legislative Summary

CB 119750

Record No.: CB 119750

Type: Ordinance (Ord)

Status: Passed

Version: 1

Ord. no: Ord 126048

In Control: City Clerk

File Created: 02/14/2020

Final Action: 03/02/2020

Title: AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 62 of the Official Land Use Map to rezone property located at 4544, 4550, and 4600 Union Bay Place NE from Commercial 2-55 (M) (C2-55 (M)) to Commercial 2-65 (M1) (C2-65 (M1)); and accepting a Property Use and Development Agreement as a condition of rezone approval. (Petition by Barrientos Ryan LLC, C.F. 314434, SDCI Project 3030253-LU)

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Strauss

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments: Exhibit A - Rezone Map, Exhibit B - Property Use and Development Agreement

Reviewer: Y. Ho

Uploaded By: 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	02/18/2020	sent for review	Council President's Office			
	Action Text: The Council Bill (CB) was sent for review. to the Council President's Office						
1	Council President's Office	02/19/2020	sent for review	City Council			
	Action Text: The Council Bill (CB) was sent for review. to the City Council						
1	City Council	02/24/2020	referred	City Council			
	Action Text: The Council Bill (CB) was referred. to the City Council						
1	City Council	03/02/2020	passed				Pass
	Action Text: The Council Bill (CB) was passed by the following vote, and the President signed the Bill:						
	Notes: Motion was made and duly seconded to pass Council Bill 119750.						

In Favor: 7 Councilmember Herbold, Councilmember Lewis, Councilmember
Morales, Councilmember Mosqueda, Councilmember Pedersen,
Councilmember Sawant, Councilmember Strauss

Opposed: 0

1 City Clerk 03/02/2020 attested by City Clerk

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

CITY OF SEATTLE

ORDINANCE

126048

COUNCIL BILL

119750

AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 62 of the Official Land Use Map to rezone property located at 4544, 4550, and 4600 Union Bay Place NE from Commercial 2-55 (M) (C2-55 (M)) to Commercial 2-65 (M1) (C2-65 (M1)); and accepting a Property Use and Development Agreement as a condition of rezone approval. (Petition by Barrientos Ryan LLC, C.F. 314434, SDCI Project 3030253-LU)

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. This ordinance rezones the following legally described property ("Property") commonly known as 4544, 4550, and 4600 Union Bay Place NE:

LOT 18, BLOCK 9, EXPOSITION HEIGHTS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 15 OF PLATS, PAGE 83, RECORDS OF KING COUNTY, WASHINGTON. SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

LOTS 16 AND 17, BLOCK 9, EXPOSITION HEIGHTS ADD, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 15 OF PLATS, PAGE 83, RECORDS OF KING COUNTY, WASHINGTON. SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

LOTS 14 AND 15, BLOCK 9, EXPOSITION HEIGHTS ADD, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 15 OF PLATS, PAGE 83, RECORDS OF KING COUNTY, WASHINGTON. SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

Section 2. Page 62 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 Commercial 2-55 (M) (C2-55 (M)) to Commercial 2-65 (M1) (C2-65 (M1)). Approval of this rezone is conditioned upon complying with the Property Use and Development Agreement (PUDA) approved in Section 4 of this ordinance.

1 Section 3. The zoning designations established by Section 2 of this ordinance shall
2 remain in effect until the Property is rezoned by subsequent City Council action.

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

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

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 2nd day of March, 2020,
and signed by me in open session in authentication of its passage this 2nd day of March, 2020.

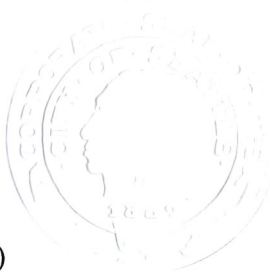


President Pro Tem of the City Council

Filed by me this 2nd day of MARCH, 2020.



Monica Martinez Simmons, City Clerk



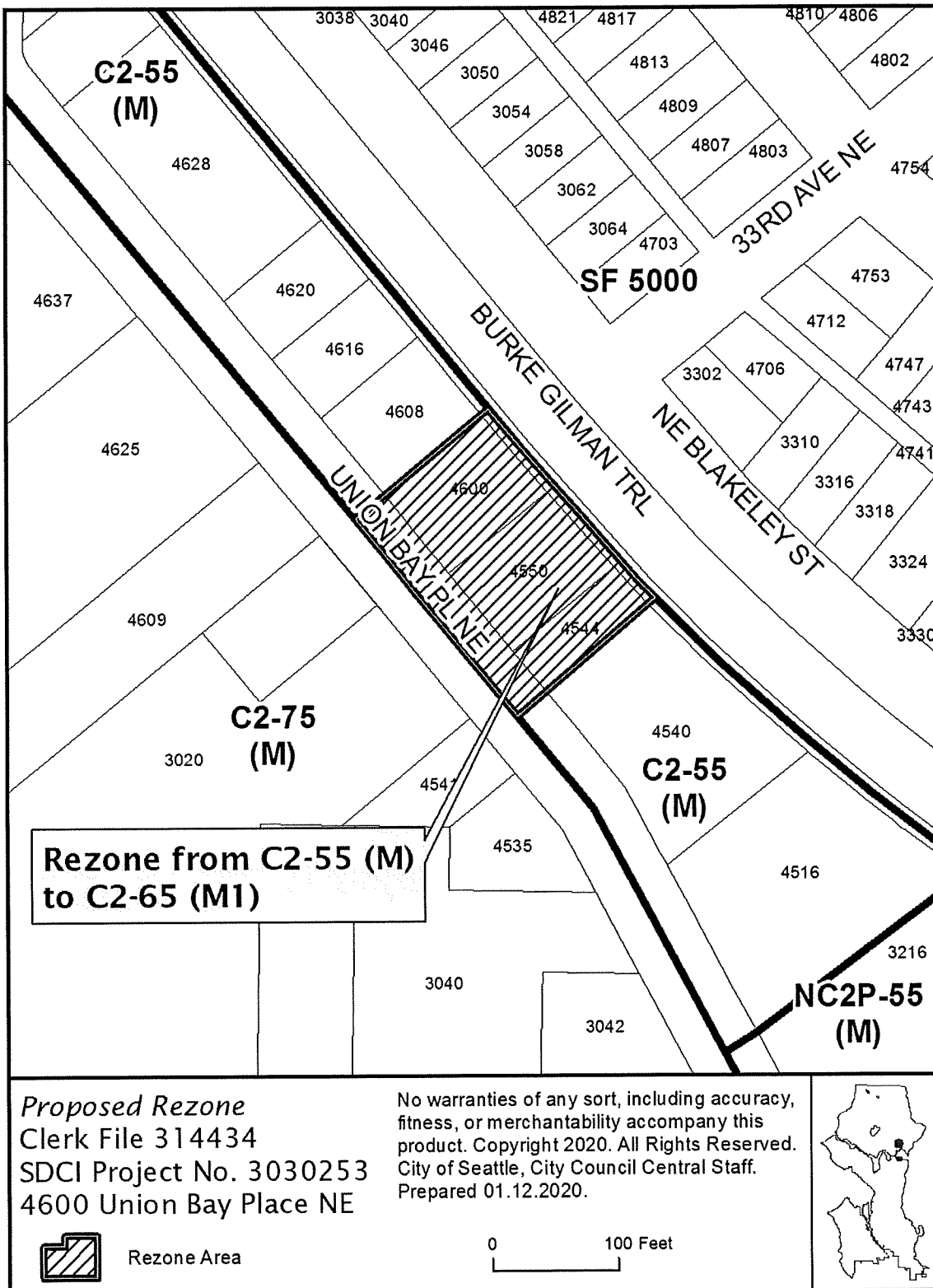
(Seal)

Attachments:

Exhibit A – Rezone Map

Exhibit B – Property Use and Development Agreement

Exhibit A – Rezone Map



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)	PCC Industrial Park, LLC		
Grantee:	(1)	The City of Seattle		
Legal Description <i>(abbreviated if necessary):</i>		see <i>Recital A</i> , below		
Assessor's Tax Parcel ID #:		2436200975, 2436200990, 2436201000		
Reference Nos. of Documents Released or Assigned:		n/a		

THIS PROPERTY USE AND DEVELOPMENT AGREEMENT (the "Agreement") is executed this 17th day of February, 2020, in favor of the CITY OF SEATTLE (the "City"), a Washington municipal corporation, by PCC Industrial Park, LLC, a Washington limited liability company (the "Owner").

RECITALS

A. PCC Industrial Park, LLC is the owner of that certain real property (the "Property") in the City of Seattle currently zoned Commercial 2-55 (M) (C2-55 (M)), shown in Attachment A and legally described as:

LOT 18, BLOCK 9, EXPOSITION HEIGHTS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 15 OF PLATS, PAGE 83, RECORDS OF KING COUNTY, WASHINGTON. SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

LOTS 16 AND 17, BLOCK 9, EXPOSITION HEIGHTS ADD, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 15 OF PLATS, PAGE 83, RECORDS OF KING COUNTY, WASHINGTON. SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

LOTS 14 AND 15, BLOCK 9, EXPOSITION HEIGHTS ADD, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 15 OF PLATS, PAGE 83, RECORDS OF KING COUNTY, WASHINGTON. SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

B. In February 2019, the Owner submitted to the City an application under Project No. 3030253 for a rezone of the Property from Commercial 2-55 (M) (C2-55 (M)) to Commercial 2-65 (M1) (C2-65 (M1)).

C. Seattle Municipal Code Section 23.34.004 allows the City to approve a rezone subject to "self-imposed restrictions" upon the development of the property.

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 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:

- a. Future development of the Property is restricted to a project that complies with Master Use Permit (MUP) #3030253-LU, once the Seattle Department of Construction and Inspections (SDCI) issues that MUP.
- b. The provisions of Seattle Municipal Code Chapter 23.58B, the Affordable Housing Impact Mitigation Program for Commercial Development and the provisions of Seattle Municipal Code Chapter 23.58C, Mandatory Housing Affordability for Residential Development, shall apply to the Property.

Section 2. Agreement Runs With the Land. This Agreement shall be recorded in the records of King County by the City Clerk. The covenants contained in this Agreement shall attach to and run with the land and be binding upon the Owner, its heirs, successors and assigns, and shall apply to after-acquired title of the Owner.

Section 3. Amendment. This Agreement may be amended or modified by agreement between the Owner and the City; provided any amendments are approved by the City Council by ordinance.

Section 4. Exercise of Police Power. Nothing in this Agreement shall prevent the City Council from making further amendments to the Seattle Municipal Code or Land Use Code as it may deem necessary in the public interest.

Section 5. No Precedent. The conditions contained in this Agreement are based on the unique circumstances applicable to the Property 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 Property to conform to the requirements of the previous 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]

SIGNED this 17th day of February, 2020.

PCC Industrial Park, LLC

a Washington limited liability company

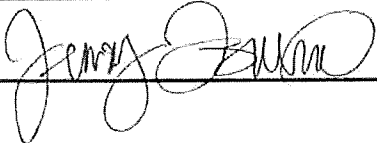
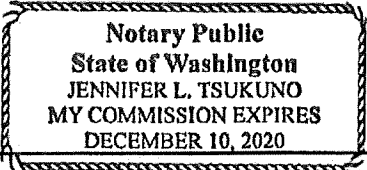
By: _____

Name: Jonathan Slavin

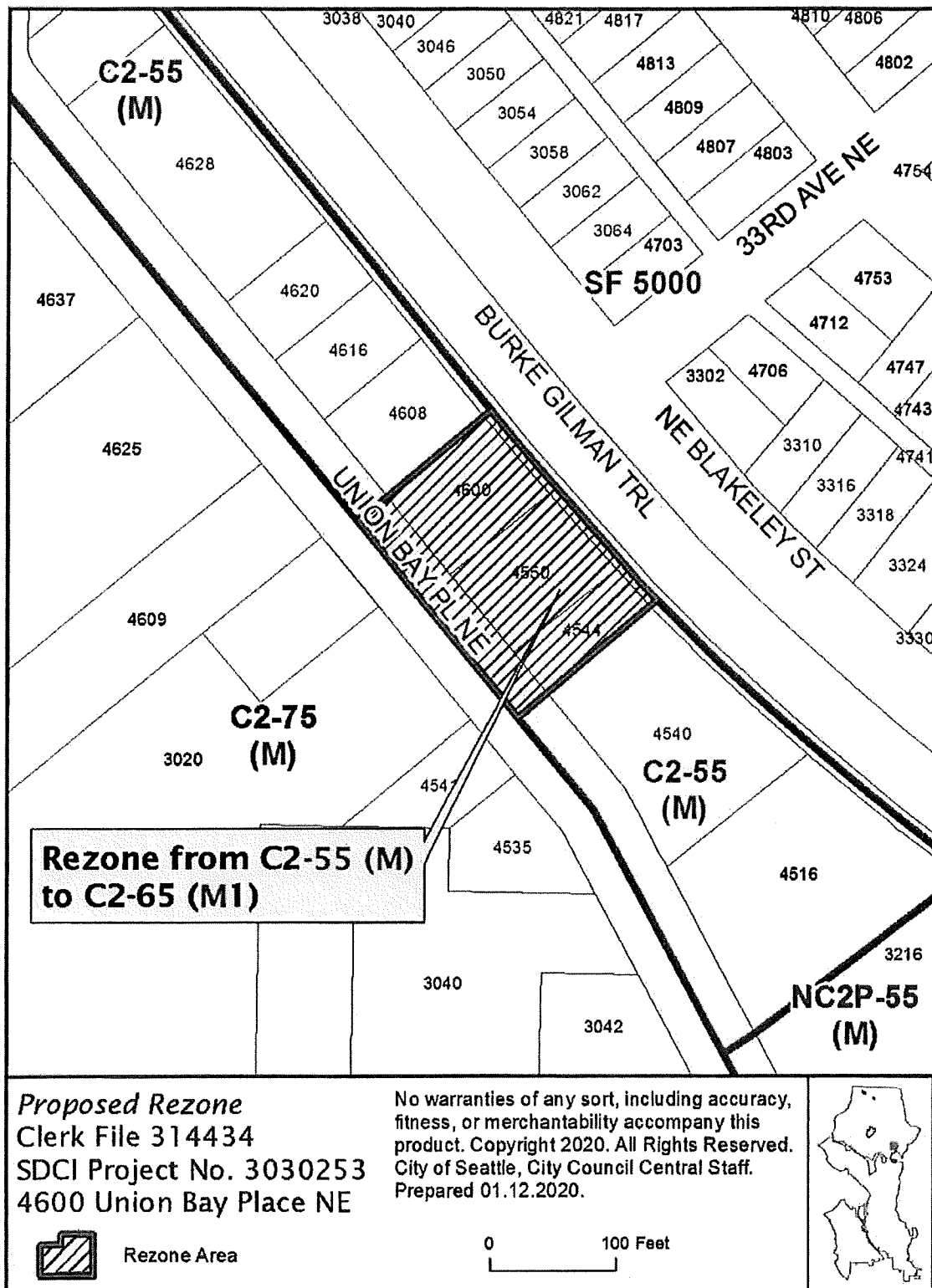
Title: Manager

On this day personally appeared before me Jonathan Slavin, to me known to be the Manager, of PCC Industrial Park, 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 17 day of February, 2020.

		Printed Name <u>Jennifer Tsukuno</u>
		NOTARY PUBLIC in and for the State of Washington, residing at <u>Kirkland</u>
		My Commission Expires <u>12/10/20</u>
STATE OF WASHINGTON COUNTY OF KING	}	ss. 

ATTACHMENT A
REZONE MAP



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)	PCC Industrial Park, LLC		
Grantee:	(1)	The City of Seattle		
Legal Description <i>(abbreviated if necessary):</i>	see <i>Recital A</i> , below			
Assessor's Tax Parcel ID #:	2436200975, 2436200990, 2436201000			
Reference Nos. of Documents Released or Assigned:	n/a			

THIS PROPERTY USE AND DEVELOPMENT AGREEMENT (the "Agreement") is executed this 17th day of February, 2020, in favor of the CITY OF SEATTLE (the "City"), a Washington municipal corporation, by PCC Industrial Park, LLC, a Washington limited liability company (the "Owner").

RECITALS

A. PCC Industrial Park, LLC is the owner of that certain real property (the "Property") in the City of Seattle currently zoned Commercial 2-55 (M) (C2-55 (M)), shown in Attachment A and legally described as:

LOT 18, BLOCK 9, EXPOSITION HEIGHTS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 15 OF PLATS, PAGE 83, RECORDS OF KING COUNTY, WASHINGTON. SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

LOTS 16 AND 17, BLOCK 9, EXPOSITION HEIGHTS ADD, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 15 OF PLATS, PAGE 83, RECORDS OF KING COUNTY, WASHINGTON. SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

Ex B – Property Use and Development Agreement
V1

LOTS 14 AND 15, BLOCK 9, EXPOSITION HEIGHTS ADD, ACCORDING TO THE PLAT THEREOF
RECORDED IN VOLUME 15 OF PLATS, PAGE 83, RECORDS OF KING COUNTY, WASHINGTON.
SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

B. In February 2019, the Owner submitted to the City an application under Project No. 3030253 for a rezone of the Property from Commercial 2-55 (M) (C2-55 (M)) to Commercial 2-65 (M1) (C2-65 (M1)).

C. Seattle Municipal Code Section 23.34.004 allows the City to approve a rezone subject to "self-imposed restrictions" upon the development of the property.

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 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:

- a. Future development of the Property is restricted to a project that complies with Master Use Permit (MUP) #3030253-LU, once the Seattle Department of Construction and Inspections (SDCI) issues that MUP.
- b. The provisions of Seattle Municipal Code Chapter 23.58B, the Affordable Housing Impact Mitigation Program for Commercial Development and the provisions of Seattle Municipal Code Chapter 23.58C, Mandatory Housing Affordability for Residential Development, shall apply to the Property.

Section 2. Agreement Runs With the Land. This Agreement shall be recorded in the records of King County by the City Clerk. The covenants contained in this Agreement shall attach to and run with the land and be binding upon the Owner, its heirs, successors and assigns, and shall apply to after-acquired title of the Owner.

Section 3. Amendment. This Agreement may be amended or modified by agreement between the Owner and the City; provided any amendments are approved by the City Council by ordinance.

Section 4. Exercise of Police Power. Nothing in this Agreement shall prevent the City Council from making further amendments to the Seattle Municipal Code or Land Use Code as it may deem necessary in the public interest.

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

Ex B – Property Use and Development Agreement
VI

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 Property to conform to the requirements of the previous zoning designation or some other zoning designation imposed by the City Council; and
- b. Pursue specific performance of this Agreement.

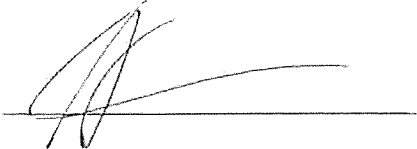
[signature and acknowledgment on following page]

Ex B – Property Use and Development Agreement
V1

SIGNED this 17th day of February, 2020.

PCC Industrial Park, LLC

a Washington limited liability company

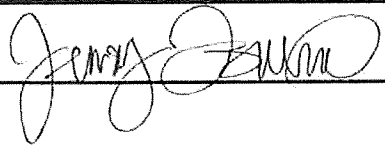
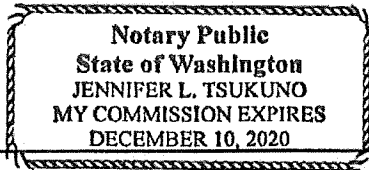
By: 

Name: Jonathan Slavin

Title: Manager

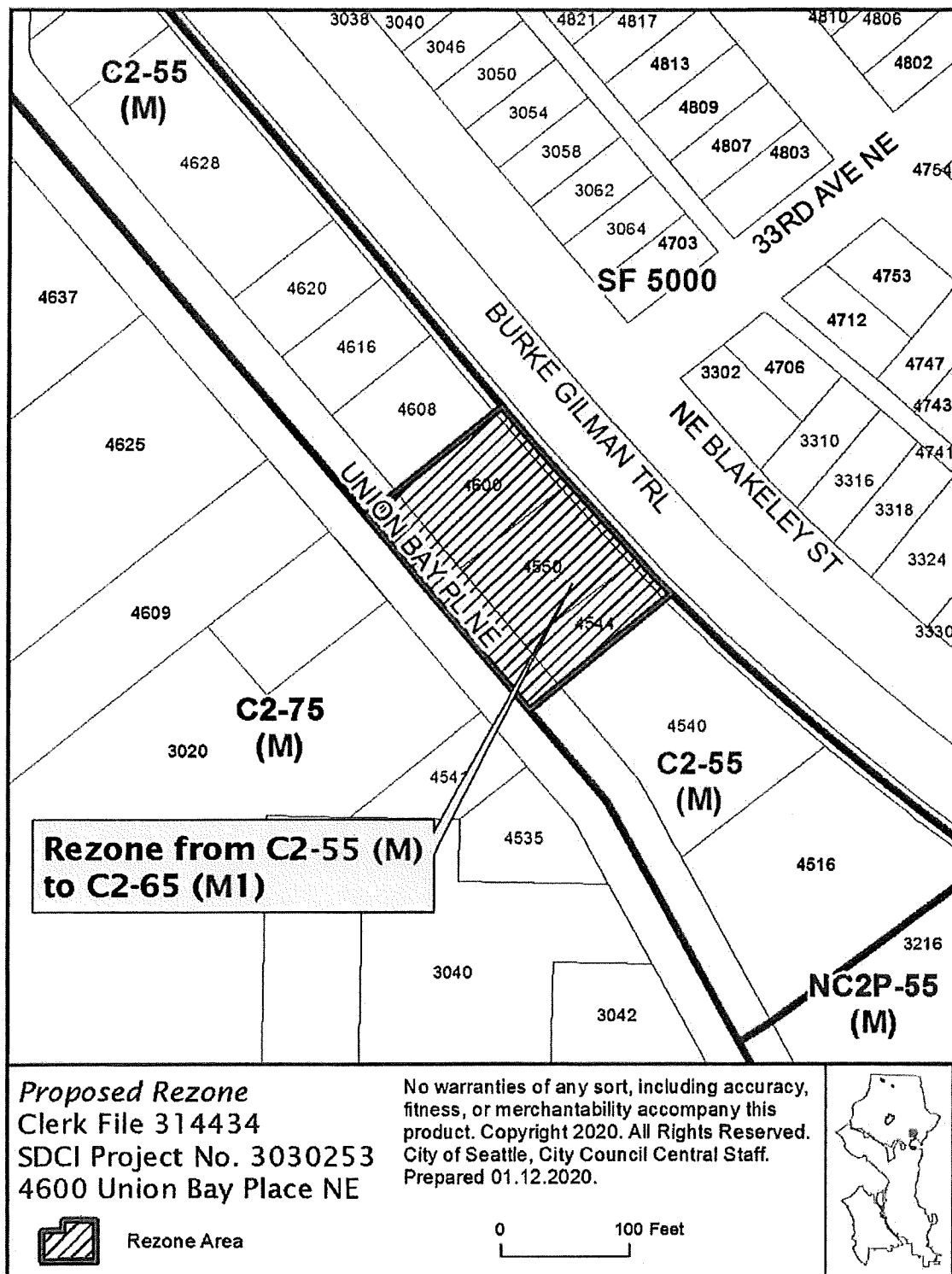
On this day personally appeared before me Jonathan Slavin, to me known to be the Manager, of PCC Industrial Park, LLC, a Washington limited liability company that executed the foregoing instrument, and acknowledged such instrument to be the free and voluntary act and deed of such limited liability company, 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 17 day of February, 2020.

		Printed Name <u>Jennifer Tsukuno</u>
		NOTARY PUBLIC in and for the State of Washington, residing at <u>Kirkland</u>
		My Commission Expires <u>12/10/20</u>
STATE OF WASHINGTON COUNTY OF KING	}	ss. 

Ex B – Property Use and Development Agreement
V1

ATTACHMENT A
REZONE MAP



STATE OF WASHINGTON -- KING COUNTY

--SS.

383545

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.

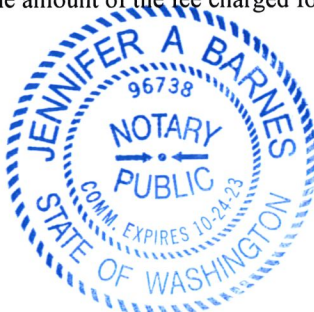
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:126048-126051 TITLE

was published on

03/30/20

The amount of the fee charged for the foregoing publication is the sum of \$98.73.



Affidavit of Publication

Subscribed and sworn to before me on

03/30/2020

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 March 02, 2020, 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 126048

Council Bill 119750

AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 62 of the Official Land Use Map to rezone property located at 4544, 4550, and 4600 Union Bay Place NE from Commercial 2-55 (M) (C2-55 (M)) to Commercial 2-65 (M1) (C2-65 (M1)); and accepting a Property Use and Development Agreement as a condition of rezoning approval. (Petition by Barrientos Ryan LLC, C.F. 314434, SDCI Project 3030253-LU)

Ordinance 126049

Council Bill 119751

AN ORDINANCE appropriating money to pay certain audited claims for the week of February 17, 2020 through February 21, 2020 and ordering the payment thereof.

Ordinance 126050

Council Bill 119749

AN ORDINANCE relating to historic preservation; imposing controls upon the University of Washington Eagleson Hall, a landmark designated by the Landmarks Preservation Board under Chapter 25.12 of the Seattle Municipal Code, and adding it to the Table of Historical Landmarks contained in Chapter 25.32 of the Seattle Municipal Code.

Ordinance 126051

Council Bill 119748

AN ORDINANCE relating to historic preservation; imposing controls upon the Sunset Telephone & Telegraph Exchange, a landmark designated by the Landmarks Preservation Board under Chapter 25.12 of the Seattle Municipal Code, and adding it to the Table of Historical Landmarks contained in Chapter 25.32 of the Seattle Municipal Code.

Date of publication in the Seattle Daily Journal of Commerce, March 30, 2020.

3/30(383545)