

ORDINANCE

122117

AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at pages 28 and 29 of the Official Land Use Map to rezone property located at 301 NE 103rd Street from Neighborhood Commercial 3 with a 65 foot height limit (NC3 65) to Neighborhood Commercial 3 with an 85 (NC3 85) foot height limit; accepting a Property Use and Development Agreement in connection therewith; waiving certain development standards; and amending the Northgate Mall Development Agreement first approved by Ordinance 121358.

WHEREAS, in December 2003 Council adopted Resolution 30642 establishing a framework for actions related to collaborative planning and redevelopment in the Northgate Urban Center; and

WHEREAS, in December 2003 Council also passed Ordinance 121358 approving a Development Agreement between the City and Simon Property Group, L.P., owner of the Northgate Mall; and

WHEREAS, both Resolution 30642 and Ordinance 121358 contemplate redevelopment of the Northgate Mall South Lot and establish certain expectations for redevelopment including collaboration with the Northgate Stakeholders Group, development of no fewer than 300 multifamily units on the site, participation in the Northgate Coordinated Transportation Investment Plan, coordination with areawide pedestrian circulation and open space plans, consideration of the use of sustainable design and green building techniques, and consideration of employing natural drainage strategies; and

WHEREAS, Northgate South Commons, L.L.C., a development entity for Lorig and Associates has submitted plans for redevelopment of the South Lot to the Department of Planning and Development (Master Use Permit 2401519) that are generally consistent with the expectations set out in Resolution 30642 and Ordinance 121358; and

WHEREAS, it is the Council's continuing expectation that final development of the South Lot by Lorig and Associates will be consistent with the expectations established in Resolution 30642 and Ordinance 121358;

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The cross hatched area of the property depicted on Exhibit A is hereby rezoned from Neighborhood Commercial 3 with a 65 foot height limit (NC3 65) to Neighborhood Commercial 3 with an 85 (NC3 85) foot height limit.



Section 2. The Property Use and Development Agreement attached to this Ordinance as "Exhibit B" (the "PUDA") is hereby approved and accepted and the Mayor is hereby authorized to execute the PUDA on behalf of the City.

Section 3. Pursuant to SMC 23.34.004B, the City hereby modifies the following specific off-street parking and loading requirements:

a. The ERA Care Parcel, as such parcel is depicted in the PUDA, shall have a minimum parking ratio of .5 stalls per 1 unit.

b. The requirement for an on-site loading berth for the ERA Care Parcel is modified to allow the loading berth for the building on the ERA Care Parcel to be located along 5th Ave. NE., south of the parking garage entrance, as depicted in the Master Use Permit 2401519, Clerk's File 307522, as may be revised from time to time in accordance with the Seattle Municipal Code.

Section 4. This Ordinance shall be null and void and of no further force or effect if Northgate South Commons, LLC or its assignee fails to acquire the Lorig Project Parcel, as defined in the PUDA, by December 31, 2006.

Section 5. If this Ordinance does not become null and void by operation of Section 4 above, then pursuant to SMC 23.76.060 (B) (1) (b), this rezone shall expire five (5) years from the effective date of this ordinance unless an application is filed for a Master Use Permit which is subsequently issued, in which case the contract rezone will remain in effect until the Master Use Permit expires or the five (5) year contract rezone period ends, whichever is longer, pursuant to SMC 23.76.060 (B).

Section 6. Section 8 of the Northgate Mall Development Agreement, approved by Ordinance 121358, is amended as shown on Exhibit C attached to this Ordinance.

Section 7. The City Clerk is hereby authorized and directed to file the PUDA, the Amendment to Northgate Mall Development Agreement, and a copy of this ordinance at the King County Records, Elections and Licensing Services Division and file, upon return of the recorded agreements from the King County Records, Elections and Licensing Services Division, the original of said agreements with this Ordinance at the City Clerk's Office, and to deliver copies of the same to the Director of the Department of Planning and Development and to the King County Assessor's Office.

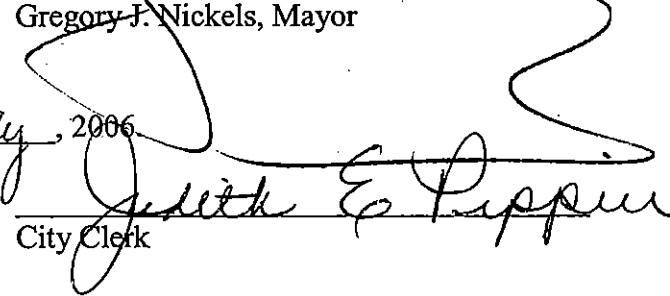
Section 8. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 15th day of May, 2006, and signed by me in open session in authentication of its passage this 15th day of May, 2006.


President pro tem of the City Council
Approved by me this 22nd day of May, 2006.


Gregory J. Nickels, Mayor

Filed by me this 22nd day of May, 2006


City Clerk

(Seal)

Exhibit A: Rezone Map

Exhibit B: Property Use and Development Agreement

Exhibit C: Agreement Amending the Northgate Mall Development Agreement