

Ordinance No. 121823

Council Bill No. 115266

An ordinance relating to land use and zoning; amending Plats 35W and 35E, Pages 100 and 101 of the Official Land Use Map, Seattle Municipal Code (SMC) 23.32.016, to rezone an area east of 5th Avenue North between Mercer and Broad Streets within the Uptown Urban Center from Commercial 1 with a sixty-five foot height limit (C1-65') to Neighborhood Commercial 3 with an eighty-five foot height limit (NC3-85').

CF No. _____

Date Introduced:	MAY 23 2005	
Date 1st Referred:	MAY 23 2005	To: (committee) Urban Development & Planning
Date Re - Referred:		To: (committee)
Date Re - Referred:		To: (committee)
Date of Final Passage:	5-31-05	Full Council Vote: 9-0
Date Presented to Mayor:	6-1-05	Date Approved: 6/6/05
Date Returned to City Clerk:	6/6/05	Date Published: IPA
		T.O. <input type="checkbox"/> F.T. <input checked="" type="checkbox"/>
Date Vetoed by Mayor:		Date Veto Published:
Date Passed Over Veto:		Veto Sustained:

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dye mo
email me*

The City of Seattle - Legislative Department
Council Bill/Ordinance sponsored by: Peter Stanbury
Councilmember

Committee Action:

Passed
2-0
TR, RC
5-31-05 Passed 8-0 (Excused: Drago)

This file is complete and ready for presentation to Full Council. Committee: _____ (initial/date)

Law Department
Law Dept. Review OMP Review City Clerk Review Electronic Copy Loaded Indexed

ORDINANCE 121823

AN ORDINANCE relating to land use and zoning; amending Plats 35W and 35E, Pages 100 and 101 of the Official Land Use Map, Seattle Municipal Code (SMC) 23.32.016, to rezone an area east of 5th Avenue North between Mercer and Broad Streets within the Uptown Urban Center from Commercial 1 with a sixty-five foot height limit (C1-65') to Neighborhood Commercial 3 with an eighty-five foot height limit (NC3-85').

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Attached to this ordinance is a zoning map, identified as Attachment 1 and incorporated herein by this reference. The Official Land Use Map, Section 23.32.016, Plats 35W and 35E, Pages 100 and 101, is hereby amended to change the zone classification of the designated area from Commercial 1 with a sixty-five foot height limit (C1-65') to Neighborhood Commercial 3 with an eighty-five foot height limit (NC3-85'), as shown on Attachment 1.

Section 2. 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 31st day of may, 2005, and signed by me in open session in authentication of its passage this 31st day of may, 2005.

Richard J. McDev
President ~~Pro-Temp~~ of the City Council

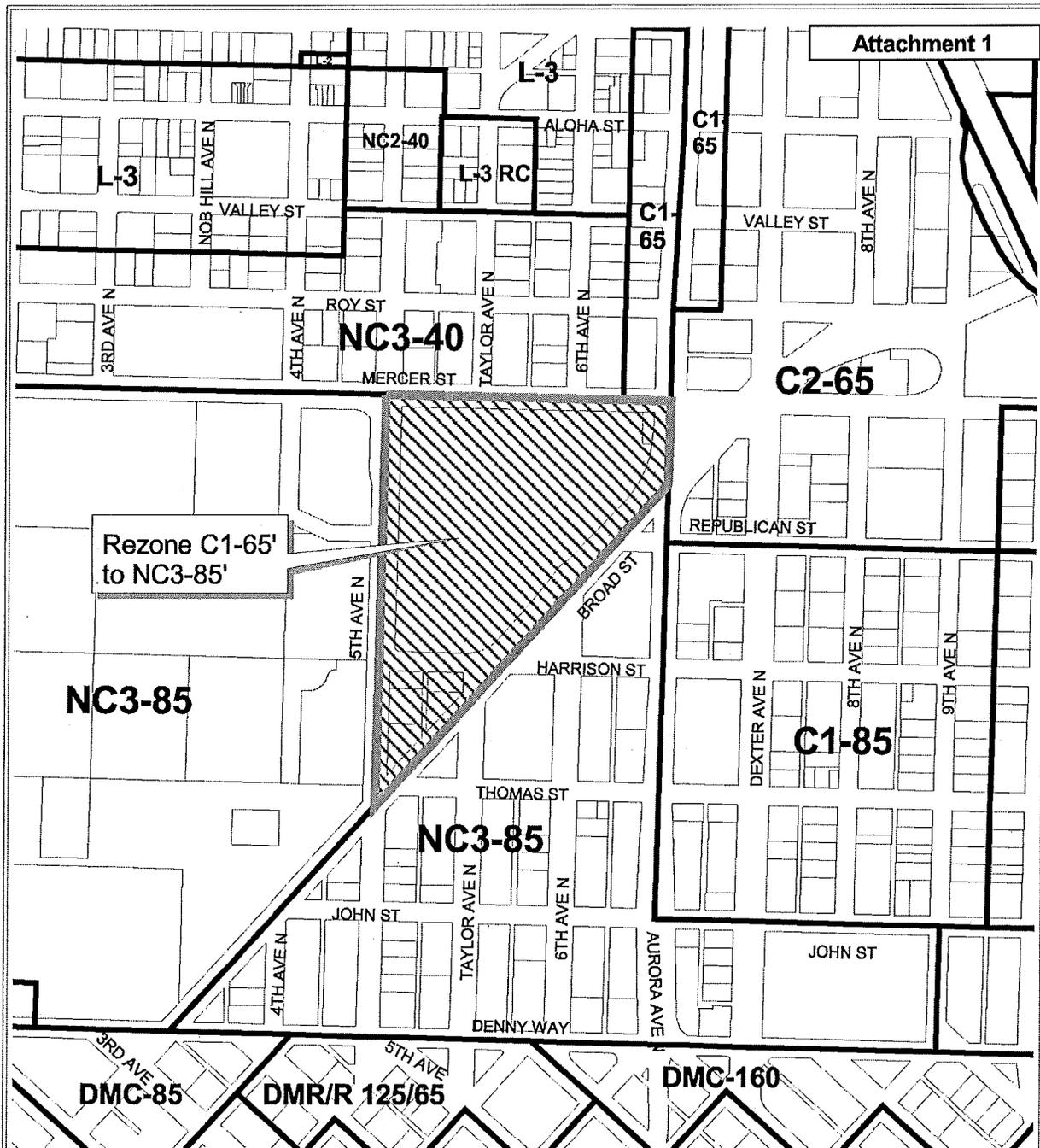
Approved by me this 6th day of June, 2005.

Gregory J. Nickels
Gregory J. Nickels, Mayor

Filed by me this 6th day of June, 2005.

Judith Ed Pappier
City Clerk

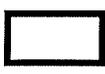
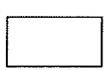
(Seal)



Rezoned Area
 Rezone C1-65'
 to NC3-85'

Attachment 1

Seattle
 Center
 and
 Vicinity

-  Rezoned Area
-  Existing Zoning
-  Parcel Outlines

- SF = Single Family
- L-2,L-3 = Lowrise
- RC = Residential Commercial
- NC = Neighborhood Commercial
- C1,C2 = Commercial
- DMC = Downtown Mixed Commercial
- DMR = Downtown Mixed Residential



No warranties of any sort, including accuracy, fitness, or merchantability accompany this product.

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 Prepared April 14, 2005 by DPD-GIS





City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

April 26, 2005

Honorable Jan Drago
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Drago:

I am pleased to transmit the attached proposed Council Bill, which will apply proper zoning for a number of parcels to reflect their appropriate use within the Uptown Urban Center. The Bill will help to set the stage for the Bill and Melinda Gates Foundation to build its new headquarters across from Seattle Center.

Specifically, the attached legislation will rezone the southeastern portion of the Urban Center from a general purpose, auto-oriented Commercial 1 (C1) zone to a more pedestrian-oriented Neighborhood Commercial 3 (NC3) zone. The height limit will also increase from sixty-five to eighty-five feet. This proposal is consistent with City and neighborhood goals, and is intended to provide opportunities for the development of key sites along 5th Avenue North from Mercer Street to Broad Street. This development is expected to attract new business or institutional enterprises and support the Seattle Center.

By choosing this site in the very heart of the city, the Bill and Melinda Gates Foundation is both honoring its Seattle roots and creating exciting new opportunities to strengthen our community. This legislation will help us to realize our shared goal of keeping the world's largest foundation here, at home, in Seattle. Should you have questions, please contact Mike Podowski at 386-1988.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Nickels", written over a large, faint circular stamp or watermark.

GREG NICKELS
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

600 Fourth Avenue, 7th Floor, P.O. Box 94749, Seattle, WA 98124-4749

Tel: (206) 684-4000, TDD: (206) 684-8811 Fax: (206) 684-5360, E:mail: mayors.office@seattle.gov

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FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
DPD	Mike Podowski/386-1988	Amanda Allen/684-8894

Legislation Title:

An ordinance relating to land use and zoning; amending Plats 35W and 35E, Pages 100 and 101 of the Official Land Use Map, Seattle Municipal Code (SMC) 23.32.016, to rezone an area east of 5th Avenue North between Mercer and Broad Streets within the Uptown Urban Center from Commercial 1 with a sixty-five foot height limit (C1-65') to Neighborhood Commercial 3 with an eighty-five foot height limit (NC3-85').

Summary of the Legislation: The Department of Planning and Development (DPD) is proposing to rezone a portion of the Uptown Urban Center from a general purpose, auto-oriented Commercial 1 (C1) zone to a more pedestrian-oriented Neighborhood Commercial 3 (NC3) zone. The height limit is also proposed to be increased from sixty-five to eighty-five feet. These proposals are consistent with City and neighborhood goals and are intended to provide opportunities for the development of key sites along 5th Avenue North from Mercer Street to Broad Street – development that would attract new business or institutional enterprises and support the Seattle Center.

Background: The rezone area includes the Seattle Center Fifth Avenue Parking Lot, located east of 5th Avenue between Mercer and Harrison Streets and two triangular-shaped blocks South of Harrison Street. The Seattle Center has amended their master plan recently to remove the Fifth Avenue Parking Lot property, except for a portion on which a City-owned parking garage would be constructed. Land within the rezone area located at the Fifth Avenue Parking Lot was purchased on behalf of the Bill & Melinda Gates Foundation for construction of an approximately 600,000 square foot office campus for the Foundation and related improvements.

X This legislation does not have any financial implications.

Attachment A: Director's Report and Recommendation



DIRECTOR'S REPORT AND RECOMMENDATION

Seattle Center and Vicinity Rezone

Introduction

The Department of Planning and Development (DPD) is proposing to rezone a portion of the Uptown Urban Center from a general purpose, auto-oriented Commercial 1 (C1) zone to a more pedestrian-oriented Neighborhood Commercial 3 (NC3) zone. The height limit is also proposed to be increased from sixty-five to eighty-five feet. These proposals are consistent with City and neighborhood goals and are intended to provide opportunities for the development of key sites along 5th Avenue North from Mercer Street to Broad Street – development that would attract new business or institutional enterprises and support the Seattle Center.

Background

The rezone area includes the Seattle Center Fifth Avenue Parking Lot, located east of 5th Avenue between Mercer and Harrison Streets and two triangular-shaped blocks South of Harrison Street (*a rezone map is attached to the end of this report*). The current zoning is an auto-oriented commercial zone that reflects the historical use of the site as a Metro bus barn and a large surface parking lot. The site is located within the Uptown Urban Center as designated by the City's Comprehensive Plan. Urban Centers are areas that are intended to be high density employment and residential areas that are well served by transit. Current use of this well-situated site represents an underutilization of a key urban property.

The Seattle Center has amended their master plan recently to remove the Fifth Avenue Parking Lot property, except for a portion on which a City-owned parking garage would be constructed. The City then sold the parking lot property and plans to consolidate the existing surface parking into a parking garage on the southwest portion of the site to be owned and operated by the Seattle Center. Construction of the garage is proposed to begin in July 2006. In addition to the parking lot, the site contains a recycling center, a skatepark and a basketball court. These features will be relocated. The Seattle Sonics practice facility is located in the northeastern corner of the site. The existing ground lease for the practice facility would remain intact through the term of the lease that runs through September 2010, when it is presumed that the facility will be relocated.

Land within the rezone area located at the Fifth Avenue Parking Lot was purchased on behalf of the Bill & Melinda Gates Foundation for construction of an approximately 600,000 square foot office campus for the foundation and related improvements. No additional information is available for the planned development as they are in conceptual stages of design. Detailed review, including environmental review, of any future development will be conducted when permit applications are submitted to the City. The remainder of the land within the rezone area is under separate ownership and no plans for this area are known at this time. This report constitutes the Director's review and recommendation to the City Council of a legislative rezone proposal. The level of analysis is programmatic in nature.

Rezone Analysis

The area proposed for rezone is currently zone Commercial 1 with a height limit of sixty-five feet (C1-65') and the proposal is to rezone to Neighborhood Commercial 3 with an eighty-five foot height limit (NC3-85'). These zones are described generally as follows:

Commercial 2 (C2) is an auto-oriented, primarily retail-service commercial zone serving surrounding neighborhoods and larger community or citywide clientele with a wide range of commercial services.

Neighborhood Commercial 3 (NC3) is a mixed use zone that is intended to create a pedestrian-oriented commercial area serving the surrounding neighborhood and citywide clientele with a wide range of businesses, as well as offices.

No single criterion or group of criteria is applied as an absolute requirement or test of the appropriateness of a zone designation, nor is there a hierarchy or priority of rezone considerations, unless a provision indicates the intent to constitute a requirement or sole criterion. Compliance with the provisions of Chapter 23.34 constitutes compliance with the Comprehensive Plan for the purpose of reviewing proposed rezones.

General Rezone Criteria

The following describes the overall effect of the proposed rezones, in accordance with the applicable Seattle Municipal Code (SMC) Section 23.34.008, General Rezone Criteria.

Zoned Capacity For planning purposes, the City's Comprehensive Plan assigns job and housing estimates to each urban village or center. Subsection A.1 of SMC Section 23.34.008 states that, "In urban centers and urban villages the zoned capacity for the center or village taken as a whole shall be no less than one hundred twenty-five percent (125%) of the growth targets adopted in the Comprehensive Plan for that center or village." The proposal is located in the Uptown Urban Center. The proposal will result in a minor increase in the total zoned capacity of this Urban Center Village and will not cause the zoned capacity to fall below 125% of the Comprehensive Plan growth target. The historic C-1 zoning of the subject property appears to have been based on the previously-existing bus barn use of the site, which is a permitted use in the C-1 zone. Rezoning better acknowledges the existing and future uses of the area, consistent with the Comprehensive Plan, land use patterns and zoning in the vicinity.

Zoning History and Precedential Effect The existing zoning appears to be a vestige of the historic bus barn use that previously occupied the rezone area. Existing zoning designations for the rezone area were established in the 1980's, through the adoption of Title 23 zoning. Although the majority of the surrounding area to the east, south and west were then zoned NC-3 85' (including the Seattle Center to the west), this subject area was designated C-1 65'. The subsequently-adopted Comprehensive Plan and Neighborhood Plan (see below) did not recommend changes to the existing zoning patterns in the area. There have been no recent rezones in the subject area. The City Council is currently considering rezones proposed by the Mayor to rezone portions of the South Lake Union Urban



Center and the area south of Broad Street, immediately to the southeast of this proposed rezone. The rezones would apply the Seattle Mixed (SM) zone to promote housing development as part of a mixed-use neighborhood. No changes to height limits are proposed.

The proposed rezones analyzed in this report are consistent with the zoning history in the area, as well as the proposed South Lake Union rezones, and are not anticipated to have a precedential effect.

*Neighborhood
Plans*

The City Council adopted the Queen Anne Neighborhood Plan (including the Uptown Urban Center area) as amendments to the Seattle Comprehensive Plan by Ordinance 119403 on March 15, 1999. The proposal is consistent with the adopted Queen Anne Neighborhood Plan. Specifically, the proposal furthers the following goals and policies of the Neighborhood Plan:

Policy LU2.8 Encourage the creation of quality residential, commercial, and institutional uses in the Urban Center.

Policy LU2.9 Development in Queen Anne's Urban Center should be pedestrian-oriented to the extent possible to ensure that this vital area retains its human scale.

Goal 5: Promote uses which enhance the relationship between the Queen Anne neighborhood and Seattle Center.

Policy LU5.1 Encourage Seattle Center to plan and implement development which will enhance the quality of life in the Queen Anne neighborhood.

Policy LU5.2 Seek ways to ensure that Seattle Center remains a vibrant and valuable community resource and a premier regional amenity.

Policy T5.12 Provide urban character-enhancing improvements to Queen Anne's streets such sidewalk improvements, transit facilities, landscaping, and appropriate lighting.

Policy T5.13 Maintain the existing system of streets, sidewalks, bridges, and stairs in Queen Anne to a professional standard.

The adopted Queen Anne Neighborhood Plan does not establish policies expressly for the purpose of guiding future rezones. The adopted Queen Anne Neighborhood Plan does not specifically address rezone of the subject area.

*Zoning
Principles*

Surrounding properties to the west and east are all zoned NC-3 with 85' height limits, consistent with this proposal. Property to the south is proposed to be zoned SM with an 85' height limit, also consistent with this proposal. Property to the north is zoned NC-3 40'. In the Uptown Urban Center around Seattle Center, the location of NC-3



40'-zoned sites adjacent to NC-3 85'-zoned sites is a conventional height transition, particularly along opposite sides of Mercer St. The rezone area is bounded by 5th Avenue, Mercer Street, and Broad Street. The area is an island of C-1 zoned property in an area otherwise designated NC-3 or SM. The area is also an island of 65' zoned heights in an area where 85' heights are otherwise permitted, except to the north. Mercer Street, which bounds the rezone area on the north, is a major traffic arterial that provides a physical buffer between the NC-3 40'-zoned area north of Mercer St. and the NC-3 85'-zoned area south of Mercer St. The area of the proposed rezone represents an accumulation of several city blocks (including vacated streets), bounded on four sides by public streets and consisting of platted lots.

*Impact
Evaluation*

The proposal will not have significant impacts related to public services; environmental factors; pedestrian safety; manufacturing activity; employment activity; shoreline view, public access and recreation; street access to the area; street capacity in the area; transit service; parking capacity; utility and sewer capacity. In all cases, either the factor is not applicable, or the increased capacity can be accommodated by existing or improved utilities and services. With respect to parking, new residential and/or commercial uses are required to provide parking to address parking impacts. Future development of the area will be devoted to uses permitted in the commercial zones. The proposed rezone acknowledges the departure of the bus barn and subsequent surface parking use of the site. Since both the existing C-1 zoning and the proposed NC-3 zoning are commercial designations, no displacement or impact on housing will occur. In addition, no housing currently exists in the rezone area. Future development of the area will be devoted to uses permitted in the commercial zones. The SEPA Checklist shows that the proposal will have no significant adverse impacts on any element of the environment including parking capacity and views.

*Changed
Circumstances*

The rezone area was formerly used primarily as surface parking and low-scale commercial buildings. The existing C-1 zoning permits such uses. Development in the vicinity of the rezone area is transforming the area into a more pedestrian oriented area which would be furthered by an NC zone designation. Also, designation of the area as an urban center supports the proposed 85' height limit to further city goals and policies for growth management.

The designation of height limits in Neighborhood Commercial zones is independent of the designation of the zone. Thus, the following provisions apply, per SMC Section 23.34.009:

*Zone
Function*

The current height limit for this area is 65 feet. As discussed above, the proposed 85-foot height limit is consistent with the height permitted by the zoning classifications for nearby properties. A demand for uses permitted in the NC zone exists in the area of the proposal. The proposal will not displace any preferred use but instead is compatible with existing surrounding uses and the function of the proposed NC3 zone.

Surrounding Topography There are no topographic features that would make the 85-foot height limit inappropriate. As noted above, the SEPA analysis concludes that the proposal will not result in significant view blockage impacts.

Height and Scale Compatibility As discussed above, surrounding properties to the west, south and east are predominantly zoned NC-3 85'. The property to the north is zoned NC-3 40'. While the zoned height limit is 40', buildings up to 47' are permitted as a special exception for buildings that include certain street-level retail uses. The proposed 85' height limit is compatible with the predominant height and scale of structures allowed by the existing zoning in the area. Surrounding properties to the west, south and east are predominantly zoned NC-3 or SM 85'. In the Uptown Urban Center, around the Seattle Center, the location of NC-3 40'-zoned sites adjacent to NC-3 85'-zoned sites is a conventional height transition, particularly along opposite sides of Mercer St. Mercer Street is a major traffic arterial that provides a physical buffer between the NC-3 40'-zoned area north of Mercer St. and the NC-3 85'-zoned area south of Mercer St.

The following analysis is a comparison of zone criteria and area characteristics for each of the proposed rezones, as provided for in SMC Section 23.48.008B. The locational criteria (***bold in the chart below***) that are applicable to the proposed rezones are reviewed in the following charts and the conclusion of this review is summarized at the end:

SMC 23.34.072 Designation of commercial zones.				
Codified Criteria	Meets Criteria			Comments/Analysis
	Yes	No	Maybe	
<i>A. The encroachment of commercial development into residential areas shall be discouraged.</i>	X			The rezone area is currently zoned commercial and is not adjacent to any residential-zoned areas. The proposal is located in an area developed with commercial, recreational, lodging and arts uses.
<i>B. Areas meeting the locational criteria for a single-family designation may be designated NC1 30'/L1, NC2 30'/L1 or NC3 30'/L1 only as provided in Section 23.34.010 B.</i>	X			The rezone area does not meet the locational criteria for a single-family designation.

SMC 23.34.072 Designation of commercial zones.				
Codified Criteria	Meets Criteria			Comments/Analysis
	Yes	No	Maybe	
<i>C. Preferred configuration of commercial zones shall not conflict with the preferred configuration and edge protection of residential zones as established in the Single Family Policies.</i>	X			The rezone area is not near a single-family zoned area.
<i>D. Compact, concentrated commercial areas, or nodes, shall be preferred to diffuse, sprawling commercial areas.</i>	X			The proposal is located in an Urban Center area developed with various commercial uses.
<i>E The preservation and improvement of existing commercial areas shall be preferred to the creation of new business districts.</i>	X			The proposal is located in an existing commercial area.

Summary: The proposed NC3 designation is appropriate for the rezone area, which is already zoned commercially.

SMC 23.34.080				
Commercial 1 (C1) Zone, Function and Locational Criteria				
Codified Criteria	Meets Criteria			Comments/Analysis
	Yes	No	Maybe	
<p><i>A. Function. An auto-oriented, primarily retail/service commercial area that serves surrounding neighborhoods and the larger community or citywide clientele. The area provides a wide range of commercial services, including retail, offices and business support services, and may also provide for residential uses at limited densities.</i></p>		X		<p>The rezone area is an island of auto-oriented commercial zoning surrounded by mixed use zoning. The area is primarily used for surface parking and low scale commercial buildings. The existing uses support the Seattle Center and do not otherwise provide the services contemplated in the function statement in the code for the Commercial 1 zone.</p>
<p><i>B. Locational Criteria. Commercial 1 zone designation is most appropriate in areas generally characterized by the following:</i></p> <p style="padding-left: 20px;"><i>1. Existing Character.</i></p> <p style="padding-left: 40px;"><i>a. Shopping areas; or</i></p> <p style="padding-left: 40px;"><i>b. Shopping areas along arterials where customers drive from one (1) individual business to another.</i></p> <p style="padding-left: 20px;"><i>2. Physical conditions Favoring Designation as C1.</i></p> <p style="padding-left: 40px;"><i>a. Readily accessible from a principal arterial;</i></p>		X		<p>The vicinity in which the rezone area is situated is not characterized by shopping areas as contemplated in the locational criteria for the Commercial 1 zone. In fact driving from one business to another is not appropriate for an urban center. While the rezone area is served by arterial streets that provide access and buffering this does not favor keeping the Commercial 1 designation.</p>



SMC 23.34.080				
Commercial 1 (C1) Zone, Function and Locational Criteria				
Codified Criteria	Meets Criteria			Comments/Analysis
	Yes	No	Maybe	
<p><i>b. Presence of edges that buffer residential or commercial areas of lesser intensity, such as changes in street layout or platting pattern;</i></p> <p><i>c. Predominance of large lots that can accommodate a wide range of commercial activity;</i></p> <p><i>d. Limited Pedestrian access on the public ROW, curb cuts, auto movement or parking lots create an environment which is unfriendly to pedestrians;</i></p> <p><i>e. Presence of large, perhaps shared, off-street parking lots; readily accessible from major transportation corridors or arterials.</i></p>				

Summary: The City's and neighborhood's vision for the area is a pedestrian-oriented commercial district that supports the Seattle Center. The proposed NC3 designation would match the function and characteristics of that vision better than the C1 zone designation. Particularly considering the proximity of the site to downtown.



SMC 23.34.078				
Neighborhood Commercial 3 (NC3) Zone, Function and Locational Criteria				
Codified Criteria	Meets Criteria			Comments/Analysis
	Yes	No	Maybe	
<p>A. Function. 1. A pedestrian-oriented shopping district serving the surrounding neighborhood and a larger community or citywide clientele. The area provides for comparison shopping with a wide range of retail goods and services. The area also provides offices and business support services that are compatible with the retail character of the area and may also include residences. These areas provide locations for single purpose commercial structures, multi-story mixed use structures with commercial uses along with the street front and multi-story residential structures.</p>	X			<p>The rezone area is the property bounded by 5th Avenue, Mercer Street and Broad Street. Existing development in the vicinity of this area includes Seattle Center, offices, institutional, retail, lodging, arts and multi-family uses. The function of this mixed use, urban area would be well served by a NC3 designation.</p>
<p>2. Desired Characteristics. a. Variety of retail businesses at street level; b. Continuous storefronts built to the front property line; c. Intense</p>			X	<p>The vicinity of the rezone area is not presently characterized by street-level retail uses. Future development of the area will comply with NC zone regulations and help achieve the desired characteristic described here.</p>



SMC 23.34.078				
Neighborhood Commercial 3 (NC3) Zone, Function and Locational Criteria				
Codified Criteria	Meets Criteria			Comments/Analysis
	Yes	No	Maybe	
<p><i>pedestrian activity;</i> d. Shoppers can drive to the area, but will walk around from store to store; e. Cycling and transit are important means of access.</p>				
<p>B. Locational Criteria. The Neighborhood Commercial 3 zone designation is most appropriate in areas generally characterized by the following:</p> <p>1. Existing Character.</p> <p>a. Major commercial nodes surrounded by medium- to high-density residential areas or other commercial areas; or</p> <p>b. Commercial, retail-oriented strip along a major arterial with significant amounts of retail frontage and generally surrounded by medium-density residential areas; or</p> <p>c. Shopping centers.</p>	X			<p>Existing development in the immediate vicinity of the rezone area is a major node of commercial, institutional, arts-oriented and retail uses. Multi-family residential and lodging uses are also located in the vicinity of the rezone area.</p>



SMC 23.34.078				
Neighborhood Commercial 3 (NC3) Zone, Function and Locational Criteria				
Codified Criteria	Meets Criteria			Comments/Analysis
	Yes	No	Maybe	
<p>2. Physical Conditions Favoring Designation as NC3.</p> <p>a. Served by principal arterial;</p> <p>b. Separated from low-density residential areas by physical edges, less-intense commercial areas or more-intense residential areas;</p> <p>c. Highly accessible for large numbers of people (considering present and anticipated congestion) so that intense activity of a major commercial node can be accommodated;</p> <p>d. Combination of circulation and transit system accommodates commercial traffic without drawing traffic through residential areas;</p> <p>e. Excellent transit service;</p> <p>f. Presence of large, perhaps shared, off-street parking lots; land available for additional parking, or other means to accommodate parking demand.</p>	X			<p>The rezone area abuts and is served by 5th Avenue and Mercer Streets, both principal arterials.</p> <p>There are no low-density residential areas in the vicinity of the proposal. The rezone area is highly accessible via principle arterials (Mercer Street, Broad Street and 5th Avenue). The rezone area is also readily accessible to the I-5 freeway. In addition, the rezone area is well served by public transportation, including a proposed Monorail station.</p> <p>The rezone area is accessed by principal arterials that run through commercial and mixed-use areas. The rezone area is also well served by public transportation.</p> <p>The rezone area is well served by transit. Surface parking facilities and parking garages exist or are planned on the site and in the vicinity.</p>



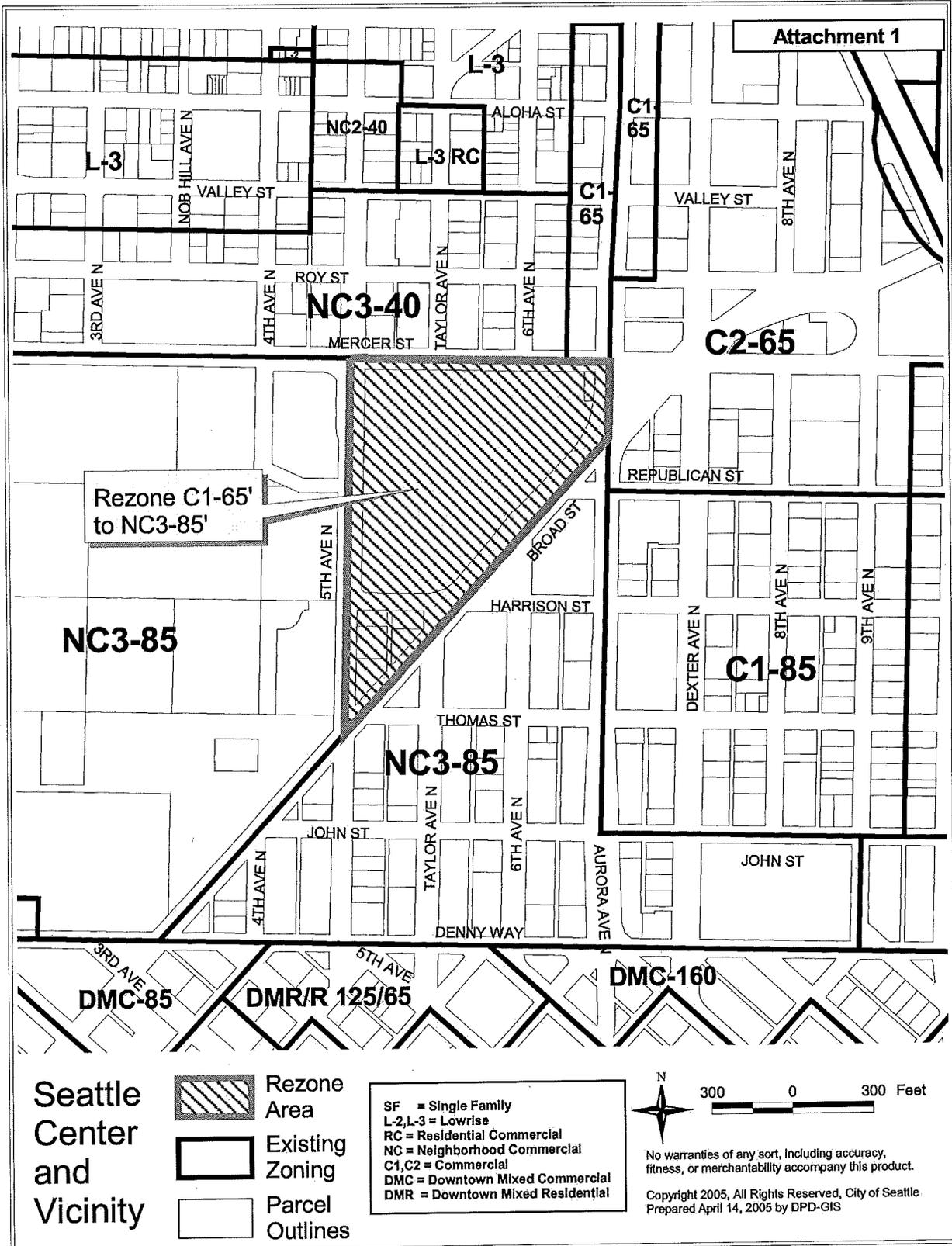
Summary: The City's and neighborhood's vision for the area is a pedestrian-oriented commercial district that supports the Seattle Center. The proposed NC3 designation would match the function and characteristics of that vision better than the C1 zone designation.

Recommendation

The Director Recommends that the proposed Neighborhood Commercial 3 zone with an eighty-five foot height limit (NC3-85') be adopted.

NC3-85' better meets the criteria than any other zone designation and would achieve City and neighborhood goals for redevelopment of this portion of the Uptown Urban Center and the vicinity of the Seattle Center.





FILED
CITY OF SEATTLE
05 JUL -7 AM 11:43
CITY CLERK

STATE OF WASHINGTON – KING COUNTY

--SS.

186859
CITY OF SEATTLE, CLERKS OFFICE

No.

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:121823 ORDINANCE

was published on

06/15/05

The amount of the fee charged for the foregoing publication is the sum of \$ 192.13, which amount has been paid in full.

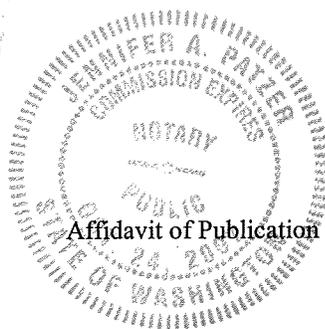
M. J. [Signature]

Subscribed and sworn to before me on

06/15/05

Jennifer A. Payer [Signature]

Notary public for the State of Washington,
residing in Seattle



Affidavit of Publication

State of Washington, King County

City of Seattle

ORDINANCE 121823

AN ORDINANCE relating to land use and zoning; amending Plats 35W and 35E, Pages 100 and 101 of the Official Land Use Map, Seattle Municipal Code (SMC) 23.32.016, to rezone an area east of 5th Avenue North between Mercer and Broad Streets within the Uptown Urban Center from Commercial 1 with a sixty-five foot height limit (C1-65') to Neighborhood Commercial 3 with an eighty-five foot height limit (NC3-85').

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Attached to this ordinance is a zoning map, identified as Attachment 1 and incorporated herein by this reference. The Official Land Use Map, Section 23.32.016, Plats 35W and 35E, Pages 100 and 101, is hereby amended to change the zone classification of the designated area from Commercial 1 with a sixty-five foot height limit (C1-65') to Neighborhood Commercial 3 with an eighty-five foot height limit (NC3-85'), as shown on Attachment 1.

Section 2. 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 31st day of May, 2005, and signed by me in open session in authentication of its passage this 31st day of May, 2005.

RICHARD MELVER,

Pro Tem President of the City Council.

Approved by me this 6th day of June, 2005.

GREGORY J. NICKELS,

Mayor.

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(Seal) JUDITH PIPPIN,

City Clerk.

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