



**Legislative Department
Seattle City Council
Memorandum**

Date: April 16, 2015

To: Councilmember Mike O'Brien, Chair
Councilmember Tim Burgess, Vice-Chair
Councilmember Nick Licata, Member
Planning, Land Use and Sustainability Committee

From: Lish Whitson, Council Central Staff

Subject: Pedestrian Designation Proposal (CB 118327)

A. Overview

On April 7, 2015, the Planning, Land Use and Sustainability (PLUS) Committee discussed potential amendments to [Council Bill 118327](#). This proposed bill would add Pedestrian (P) designations to neighborhood commercial areas in 37 neighborhoods across the city. P designations require retail and similar uses along street fronts to support vibrant pedestrian-oriented commercial districts. In addition to adding these requirements in 37 neighborhoods, the proposed legislation would remove restrictions on street-level residential uses in 17 areas and would revise regulations for Neighborhood Commercial areas citywide. At the April 7 meeting, the Committee identified potential changes to the original bill.

This memorandum provides specific amendments for PLUS Committee consideration based on direction given at the April 7 meeting, including four new or amended P designations and text amendments related to street-level uses, live-work units, principal pedestrian streets and landscaping and setbacks

B. Summary of the proposed legislation

The Executive has proposed legislation to map P designations in 37 areas. The City maps P designations at the heart of neighborhood commercial areas to support a vibrant pedestrian-oriented retail environment. The Land Use Code does that by identifying “principal pedestrian streets” along which pedestrian-oriented commercial or institutional uses are required. The P designation also limits parking lots and curb cuts along these streets. These rules support interesting, unique retail corridors that attract pedestrian activity. Outside of these areas,

neighborhood commercial zoning allows residential uses at street-level, bringing new residents to support the commercial businesses.

The legislation would also make improvements to the regulations for P-designated areas. The proposed legislation is the result of two years of work, analysis, and community meetings. It responds to the Council's direction in 2012 to study 60 areas for their appropriateness as P designations.

Along Principal Pedestrian Streets, P designations:

- Require retail and similar pedestrian-friendly uses occupy at least 80% of the ground floor street front,
- Require parking be located behind or beneath a building; and
- Designate the principal pedestrian street front as the least appropriate location for a curb cut or driveway.

Throughout P-designated areas, the regulations:

- Require a minimum FAR (in urban villages and centers),
- Waive or reduce some parking requirements,
- Prohibit surface parking lots, and
- Prohibit drive-in and drive-through businesses.

Outside of P-designated areas, developers and property owners may:

- Build residential or live-work units at street level, and
- Locate parking next to a building.

In addition to mapping new P designations in 37 areas and remove street-level use restrictions in 17 areas, the Executive proposes to:

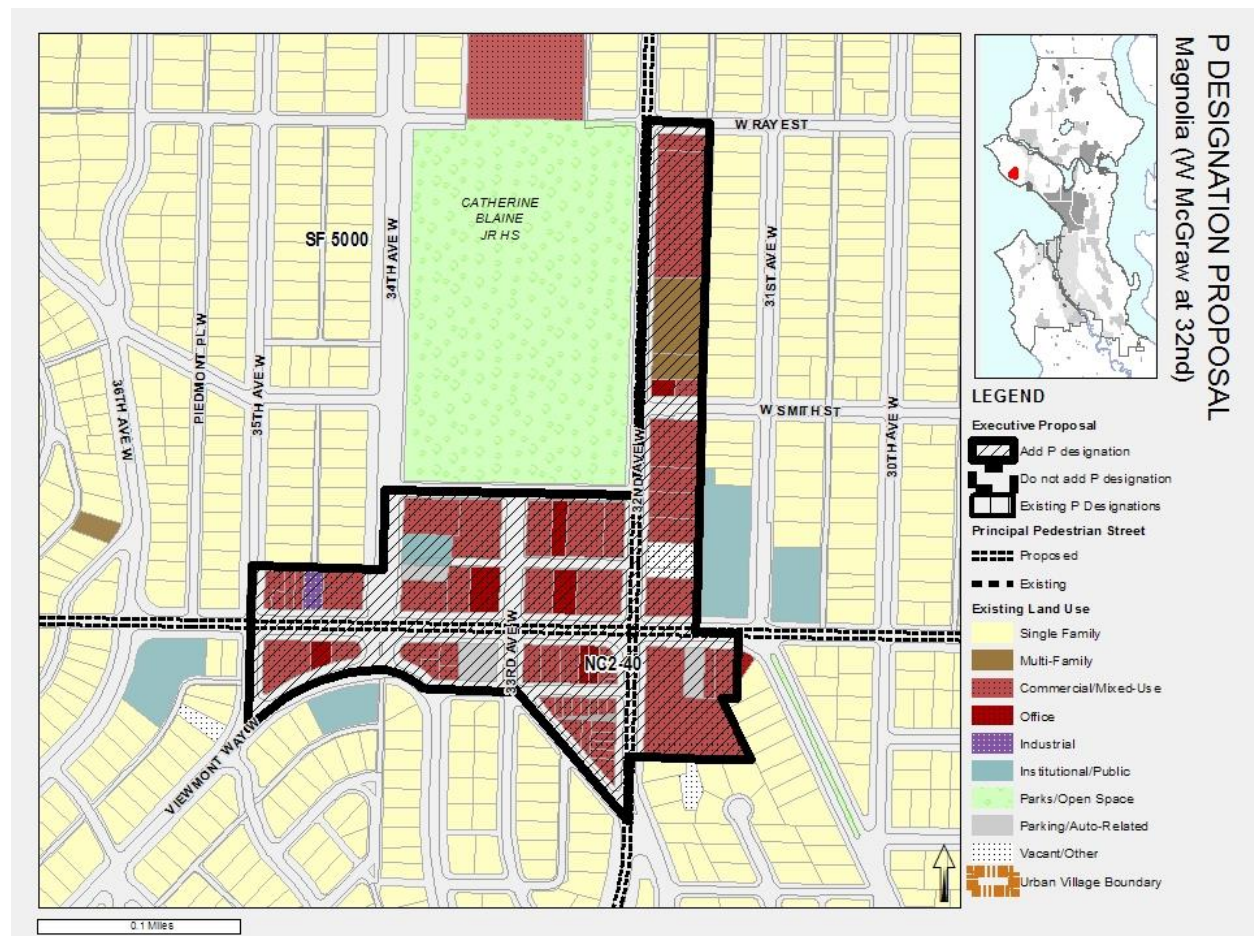
- Increase the types of uses allowed along the Principal Pedestrian Street,
- Restrict the ability to waive some of these regulations through design review,
- Provide stronger storefront transparency rules,
- Require overhead weather protection,
- Require live-work units to have work space along the street,
- Remove special parking waivers, which in many cases duplicate waivers already granted, and
- By removing maps from the code, allow residential uses and live-work units at the ground floor in those areas where P Designations are not proposed.
- The Executive has delayed decisions on six areas, such as Ballard and 23rd and Jackson where broader planning studies are underway.

C. Proposed Map Amendments

The Committee is considering changes to the proposed P designation in Magnolia, and new P designations in four areas: Greenwood, South Wallingford, 23rd and Jackson, and Rainier Ave. S.

Amendment 1: Magnolia

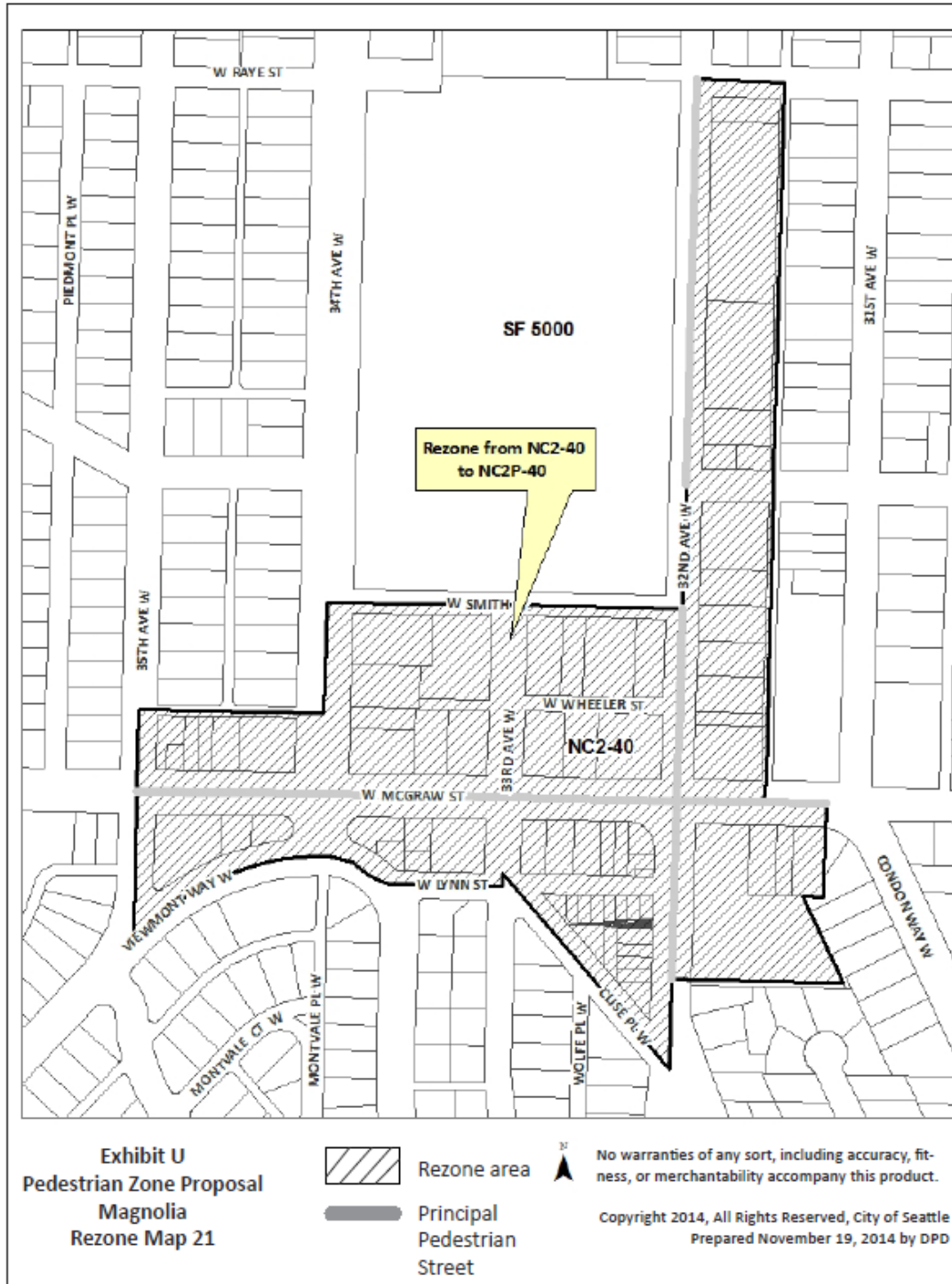
The proposed P designation in Magnolia would cover 12 blocks in the Magnolia Village business district, with principal pedestrian streets along 32nd Avenue West and West McGraw Street. The area serves as the primary shopping district for Magnolia. Along W. McGraw St., small buildings are built to the street front, almost exclusively occupied by retail and restaurant uses. Along 32nd Ave. W., particularly across from Magnolia Playfield and Catherine Blaine School and south of W McGraw Street, lots and businesses are larger and residential uses are more prevalent. Off these two main streets, the area includes a wider mix of buildings and uses, including auto-oriented businesses and residential uses.



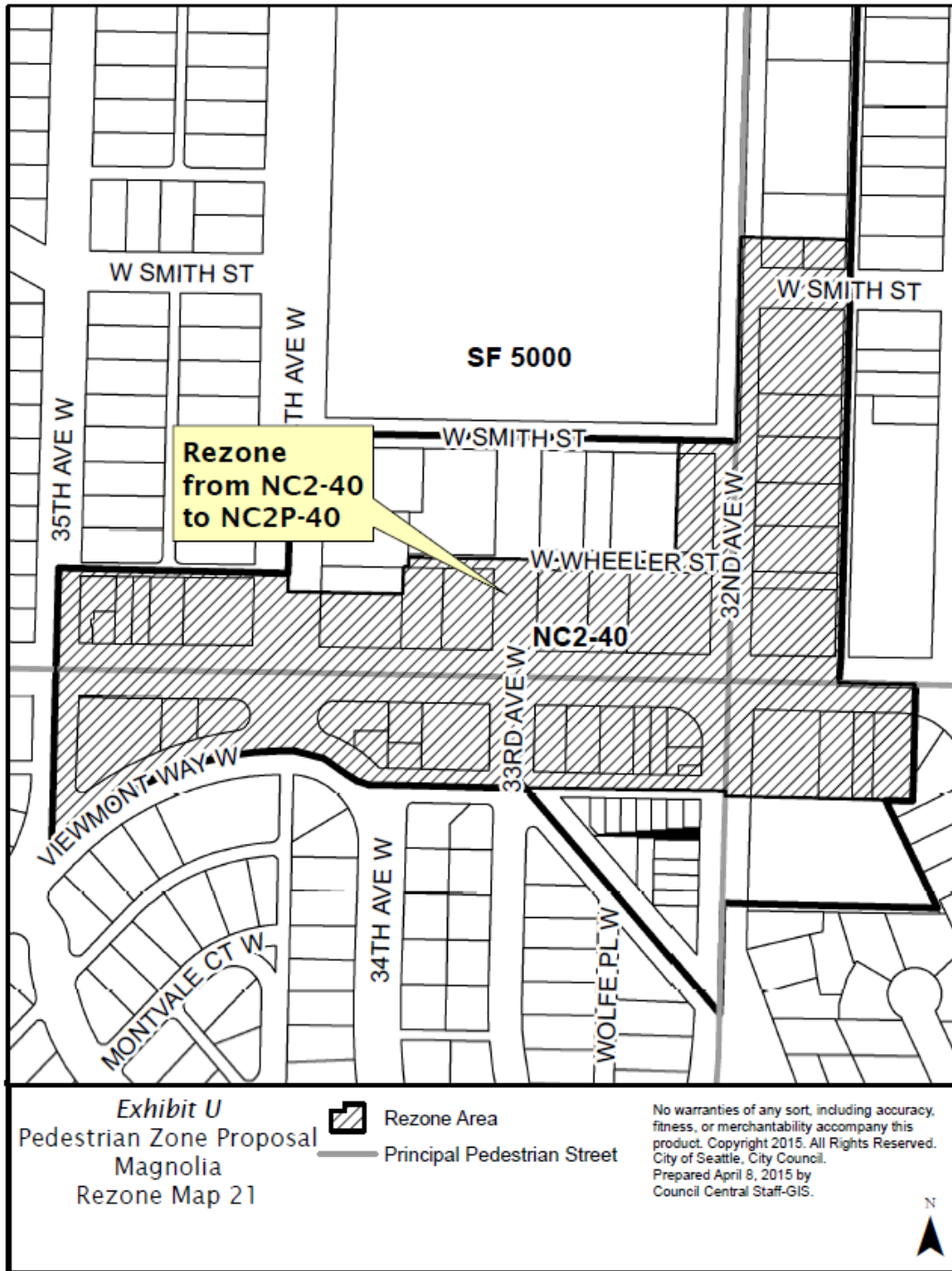
1 The Executive's proposed Magnolia P designation and existing land uses

The committee voiced a preference to amend the proposed P designation to remove areas at the edges of the Magnolia Village business district. There are three options available to the committee, as shown on the following pages.

Option A: Approve the Executive’s proposed P designation for Magnolia as shown below:



Option B: Adopt a smaller P designated-area for Magnolia by removing areas on the edges of the business district as shown below



Option C: Do not adopt a P designation in Magnolia

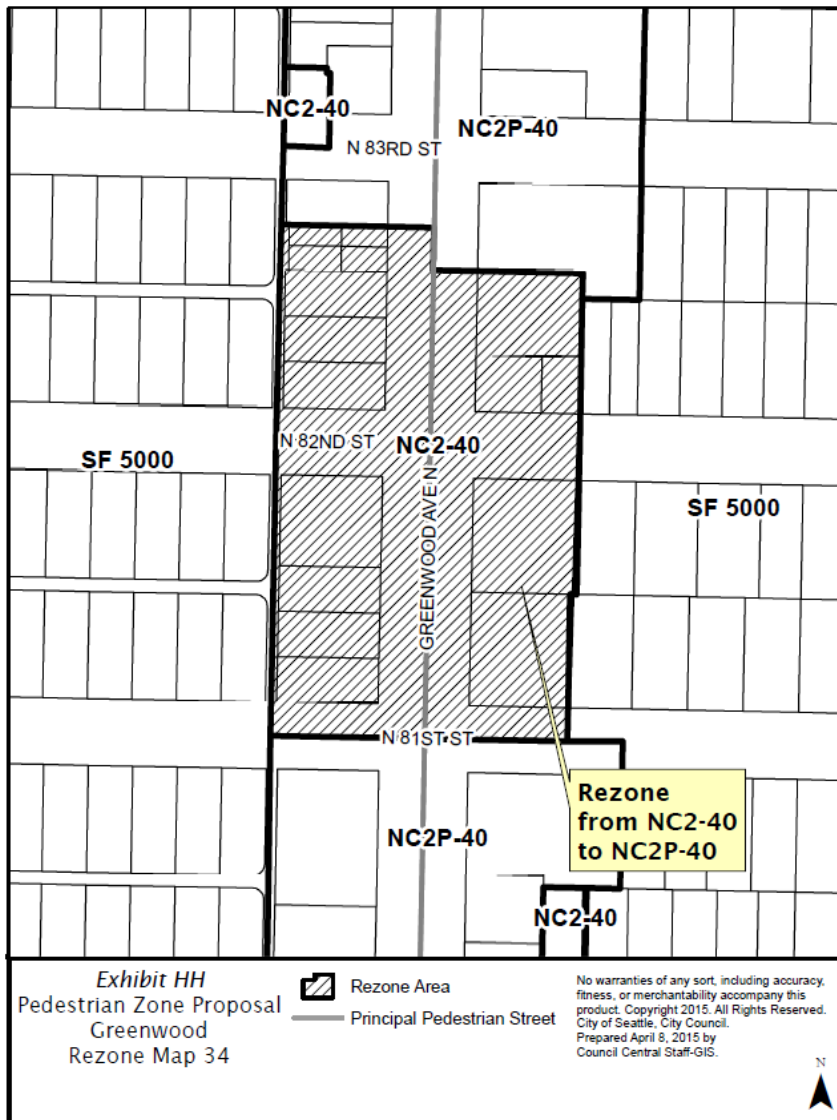
Committee direction regarding Magnolia:

Amendment 2: Greenwood Ave. N. from N. 81st St. to N. 83rd St.

The Greenwood Community Council (GCC) has asked the committee to add a P designation between N. 81st St. and N. 83rd St. along Greenwood Ave. N. Adding this designation would create a continuous P designation along Greenwood between N. 87th St. and N. 80th St. This area has a mix of retail, residential, and veterinary uses, and includes the site of a future park.

Option A: Do not adopt a new P designation along Greenwood Ave. N.

Option B: Add a new Attachment to the proposed bill and amend pages 39 and 40 of the Official Land Use Map, SMC Chapter 23.32 to adopt a new P designation along Greenwood Ave. N. as shown:



Committee direction regarding Greenwood Ave. N.:

Amendment 3: N. 34th St. in South Wallingford

Zoning along N. 34th St. between Woodlawn Avenue N and N Pacific Street is a combination of Neighborhood Commercial 3 (NC3), Commercial 1 (C1) and Commercial 2 (C2) districts. This area is undergoing a transition from light-industrial uses related to the Lake Union industrial shoreline to a denser mixed-use community. As the area redevelops, the Wallingford Community Council has sought ways to require that street-level retail spaces be included in development in the area.

Currently, according to the City's criteria in Seattle Municipal Code (SMC) 23.34.086 B2, P designations are most appropriate in locations where NC districts occupy both sides of the street. The NC district at N. 34th St. and Wallingford Ave. N. extends across a single block face. Consequently, the Executive did not recommend adopting a P designation in this area.

In response to the Wallingford Community Council, the PLUS Committee asked that amendments be prepared that would allow a P designation along N 34th Street in this area. While it does not meet the criteria for NC districts on both sides of the street, it appears to meet all of the other criteria for a P designation.

This would be the first P designation in a C1 or C2 district. There are a few key differences between NC districts and C districts. In C1 and C2 districts, parking can be located between a building and the street. If a P designation were added, this would be prohibited. In addition, in P designations there are stronger requirements for street-level transparency and ground floor business height than in the C districts. Adding a P designation would help to support pedestrian activity in this area.

Option A: Support the Executive's recommendation and do not adopt a P designation in this area.

Option B: Adopt a P designation along N 34th Street between Woodlawn Avenue N and N Pacific Street and amend the land use code to apply the P designation regulations in C1 and C2 districts, as follows:¹

1. Amend the Executive's proposed amendments to SMC 23.47A.005 C1 to limit residential uses at street level in C1 and C2 districts with P designation:

23.47A.005 Street-level uses

* * *

¹ Amendments shown below assume approval of the Executive's proposed amendments to these sections. The committee has previously voiced support for these amendments.

C. Residential uses at street level

1. In all ~~((neighborhood commercial))~~ NC and C((1)) zones, residential uses may occupy, in the aggregate, no more than 20 percent of the street-level street-facing facade in the following circumstances or locations:

a. In a pedestrian-designated zone, facing a designated principal pedestrian street; or

b. In all NC and C1 zones within ~~((Within))~~ the Bitter Lake Village Hub Urban Village; or

c. In all NC and C1 zones within ~~((Within))~~ the Lake City Hub Urban Village, except as provided in subsection 23.47A.005.C.2; or

d. Within a zone that has a height limit of 85 feet or higher, except as provided in subsection 23.47A.005.C.2; or

e. Within an NC1 zone, except as provided in subsection 23.47A.005.C.2; or

f. In all NC and C1 zones within ~~((Within))~~ the Northgate Overlay District, except as provided in Section 23.71.044; or

g. In all ~~((neighborhood commercial))~~ NC and C1 zones within the areas shown on Maps 1 through 6 for 23.47A.005.C at the end of this Chapter 23.47A when facing an arterial street.

* * *

2. Amend SMC 23.47A.008 A to apply P designation street-level development standards in C1 and C2 districts with P designations:

23.47A.008 Street-level development standards

A. Basic street-level requirements

1. The provisions of this subsection 23.47A.008.A apply to:

a. Structures in NC zones;

b. Structures that contain a residential use in C zones; ~~((and))~~

c. Structures in C zones across the street from residential zones~~(())~~ and

d. All structures in pedestrian-designated zones.

* * *

3. Amend SMC 23.47A.032 A3 and B3 to apply parking access and location requirements to C1 and C2 districts with P designations consistent with rules for other areas with P designations:

23.47A.032 - Parking location and access

A. Access to parking.

* * *

3. In C1 and C2 zones, access to off-street parking may be from a street, alley, or both when the lot abuts an alley. However, structures in C zones with residential uses, structures in C zones with pedestrian designations, and structures in C zones across the street from residential zones shall meet the requirements for parking access for NC zones as provided in subsection 23.47A.032.A.1. If two or more structures are located on a single site, then a single curb cut shall be provided according to the standards in Sections 23.47A.032.A.1, .2, and 23.54.030.F.2.

* * *

B. Location of parking

* * *

3. Off-street parking may be located anywhere on a lot in C1 and C2 zones, except that structures with residential uses in C zones, structures in C zones with pedestrian designations, and structures in C zones across the street from residential zones shall meet the requirements for parking location for NC zones as provided in subsection 23.47A.032.B.1, except that if a lot in a C zone is bordered by streets on all sides, then parking may be provided between a street and a structure, but only on sides facing other commercially-zoned lots.

* * *

4. Amend SMC 23.84A.048 to add C1P and C2P districts to the definition of "pedestrian districts":

23.84A.048 - "Z"

* * *

Amendment 4: 23rd Avenue S. and S. Jackson Street

The Executive is currently working with communities in the Central Area regarding zoning changes at key intersections along 23rd Avenue. Among the intersections under review is the commercial district at 23rd Ave. S. and S. Jackson St. Members of the community surrounding this commercial district have asked that the PLUS Committee add a P designation to this area prior to completion of the 23rd Avenue Action Plan.

The business district at 23rd Ave. S. and S Jackson St. is the largest commercial area in the Central Area, and contains a wide range of retail stores. Two very large sites on the east side of 23rd Ave. S. are built with auto-oriented retail projects, but provide the opportunity, if they are redeveloped, for more pedestrian-friendly mixed-use projects. East of these two sites, towards Rev. Martin Luther King Jr. Way S., lots are smaller and are occupied by neighborhood-serving commercial and institutional uses. There is the opportunity for a strong pedestrian-oriented retail corridor in this area.

The Committee has three options:

Option A: Do not adopt a P designation at 23rd Ave. S. and S. Jackson St. and wait for the Executive to complete the 23rd Ave. Action Plan.

Option B: Add a new Attachment to the proposed bill, amend pages 118 and 119 of the Official Land Use Map, SMC Chapter 23.32, and remove proposed map 6 of Map Book A of Chapter 23.47A to adopt a new P designation including the parcels, or portions of parcels that front on S Jackson Street from 22nd Ave. S. to Martin Luther King Jr. Way S., this would allow residential uses, curb cuts and drive-through businesses off of 23rd Avenue S (see map on page 12).

Note: If adopted as part of the P designation legislation, the Executive could propose to either expand or reduce the size of a P designation at 23rd and Jackson as part of their recommendations for the 23rd Avenue Action Plan.

Committee direction regarding 23rd Ave. S. and S. Jackson Street

23rd and Jackson: Potential P designation

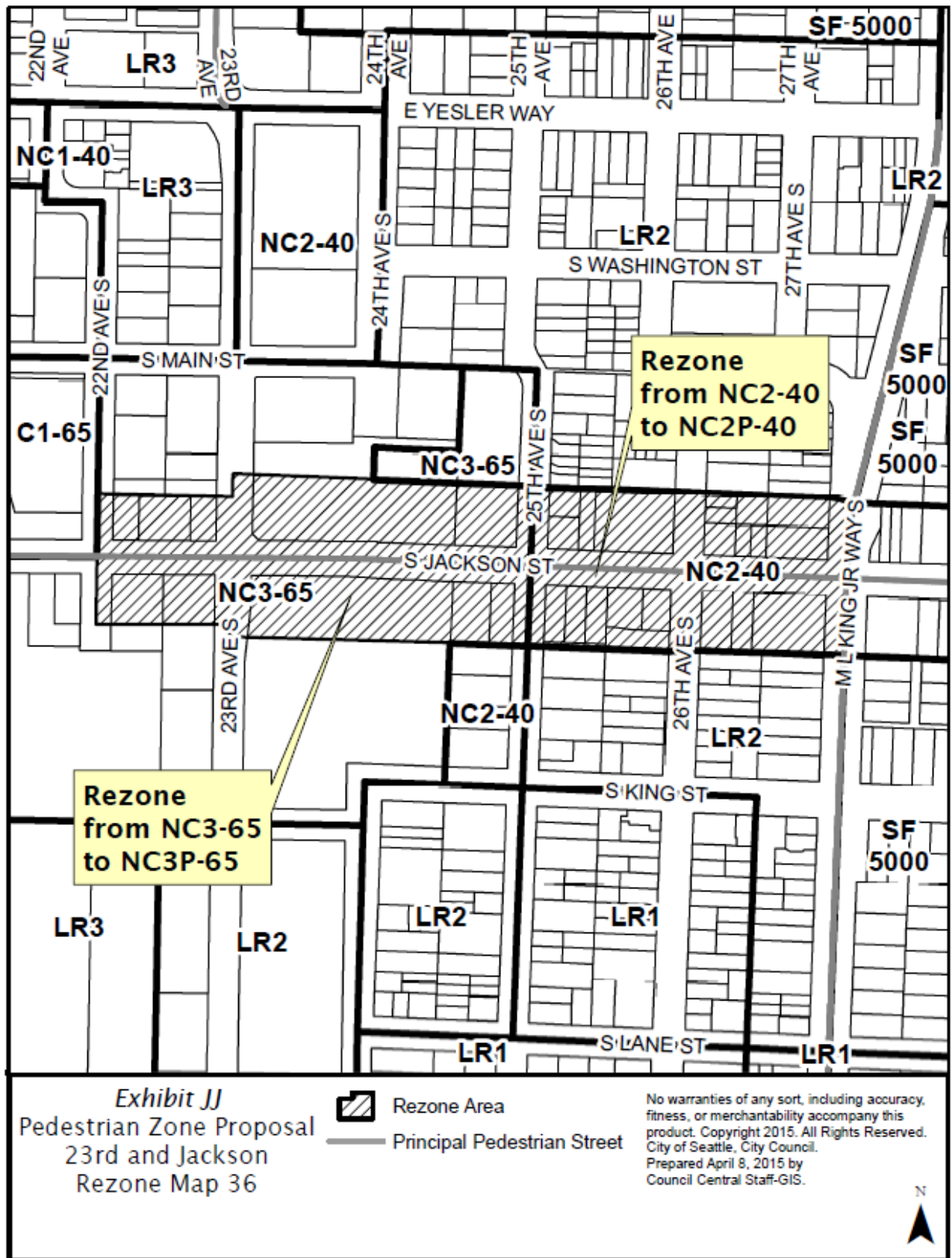




Exhibit JJ
 Pedestrian Zone Proposal
 23rd and Jackson
 Rezone Map 36

 Rezone Area
 Principal Pedestrian Street

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D. Proposed Text Amendments

The proposed bill includes a number of changes to the regulation of P designated areas and commercial districts citywide. The proposed changes would:

- Increase the range of uses allowed along Principal Pedestrian Streets,
- Restrict the ability to waive some of these regulations through design review,
- Provide stronger storefront transparency rules,
- Require overhead weather protection,
- Require live-work units to have work space along the street, and
- Remove special parking waivers, which in many cases duplicate waivers already granted.

On April 7, the PLUS Committee provided initial support for the following amendments.

Amendment 5: Street-Level Uses

The Committee voiced interest in clarifying the proposed regulations in SMC 23.47A.005 D.1.i. and n. related to the maximum width of street-level office uses and applying maximum width requirements to street-level non-household sales and service uses in areas with P designations, as follows:

i. Offices, provided that no more than 30 feet (~~((the width))~~) of the street-level street-facing façade (~~((does not exceed 30 feet))~~) of a structure may contain an office use;

n. Sales and services, heavy, except for heavy commercial sales, provided that no more than 30 feet of the street-level street-facing façade of a structure may contain a non-household sales and service use.

Option A: Adopt the Executive's language, as proposed. Do not limit the size of non-household sales and service uses.

Option B: Amend the Executive's language as shown above, clarifying office width requirements and limiting the width of non-household sales and service uses.

Committee direction regarding street-level Office and Non-household sale and service uses:

Amendment 6: Live-Work Units

Live-work units combine living space with space for businesses. Seattle's zoning generally treats live-work units as non-residential uses. They are not permitted at street-level along principal pedestrian streets in P designated areas, but they are allowed in other locations where non-residential uses are required. According to the definition of live-work units, they must include a business with a business license.

The Executive's proposed amendments would clarify rules for live-work units to make sure that they are designed with a work area along the street-level street-facing façade.

Councilmember Licata wants to ensure that these units, which can be highly prized by small business-owners, fulfill their intended use as places of business that contribute to activating commercial streets. In order to aid in enforcement of these requirements, he has recommended the following amendments to the Executive's proposed changes to SMC 23.47A.008 E.1.

E. When a live-work unit is located on a street-level street-facing facade, the provisions of subsections 23.47A.008.A, 23.47A.008.B and the following apply: ~~((and the))~~

1. The portion of each such live-work unit in which business is conducted must be located between the principal street and the residential portion of the live-work unit. The non-residential portions of the unit shall extend the width of the street-level street-facing facade, shall extend a minimum depth of 15 feet from the street-level street-facing facade, and shall not contain any of the primary features of the residential (live) portion of the live-work unit, such as kitchen, bathroom, sleeping or laundry facilities. These basic residential features shall be designed and arranged to be separate from the work portion of the live-work unit.

2. Each live-work unit must include an exterior sign with the name of the business conducted within the live-work unit. The sign shall be clearly legible and visible to pedestrians outside of the building.

3. The owner of each live-work unit must keep a copy of the current business license for the business located in that unit on file.

Option A: Adopt the Executive's proposal.

Option B: Amend the Executive's proposal as shown above to require an exterior sign for each live-work unit, and to require that the owners of live-work units keep a copy of the current business license for the business located in a live-work unit.

Committee direction regarding Live-Work unit businesses:

Amendment 7: Principal Pedestrian Streets

Along with the proposed new Pedestrian Designations, the Executive proposes to add 25 new principal pedestrian streets, the streets along which most of the P designation regulations apply. The land use code identifies principal pedestrian streets by name (e.g., West Dravus Street or 35th Avenue SW). In a few cases, these proposed principal pedestrian streets would cross an existing P Designation in a location where the retail requirements would not be appropriate. The following amendments to SMC 23.47A.005 D.2. would limit the inadvertent addition of a new principal pedestrian street to existing P designations:

2. The following streets are principal pedestrian streets when located within a pedestrian-designated zone:

* * *

14th Avenue South, except within the North Beacon Hill Residential Urban Village;

* * *

15th Avenue Northeast, north of Lake City Way Northeast;

* * *

35th Avenue Northeast, except within the Lake City Hub Urban Village;

35th Avenue Southwest, except within the West Seattle Junction Hub Urban Village;

* * *

Northeast 55th Street, east of 15th Avenue Northeast;

* * *

West McGraw Street, except within the Upper Queen Anne Residential Urban Village;

Note that, if adopted, the proposed P designation at Rainier Ave. S. and S. Graham St. would also necessitate editing this section to add a new Principal Pedestrian Street along S. Graham Street.

Option A: Adopt the Executive’s proposal.

Option B: Amend the Executive’s proposal as shown above to remove proposed principal pedestrian streets from existing P designations.

Committee direction regarding edits to Principal Pedestrian Streets:

Amendment 8: Landscaping and setbacks

Seattle's neighborhood commercial areas cover a wide range of areas. Some Neighborhood Commercial zones include smaller areas and areas with a mix of residential and commercial uses. California Ave. S.W. is an example of a street that has such areas, as well as more intensive retail districts.

Often these small areas include properties that are heavily landscaped with trees, lawns and planting areas in front of buildings. Councilmember Rasmussen has heard concerns from people who live in or near commercial areas that are undergoing re-development. Where once there were older residential or commercial buildings with landscaping abutting the sidewalk in the "front yard," the landscaping is removed because it is no longer required by code and the new building abuts the sidewalk with little or no landscaping.

Councilmember Rasmussen would like to maintain some landscaping along the street in areas where existing landscaped setbacks are prevalent, and where landscaping will not conflict with other goals for the area. He recommends amending the code to require a minimum 5 foot landscaped setback in locations where the abutting buildings are set back at least 5 feet in areas outside of P designations, urban villages, and shoreline districts.

The following amendment to add a new section G to SMC 23.47A.014 would create this new setback requirement and apply existing landscaping rules in SMC 23.47A.016:

23.47A.014 Setback requirements

* * *

F. In NC districts without a P designation and outside of Urban Villages and the Shoreline District, a minimum 5 foot setback from the street if all structures on abutting lots with frontage on the same street are set back at least 5 feet from the street. This setback shall be landscaped according to Section 23.47A.016.

Option A: Adopt the Executive's proposal.

Option B: Amend the Executive's proposal as shown above to add requirements for landscaped setbacks in locations outside of P designations, urban villages and the shoreline district where structures on abutting lots are set back from the sidewalk.

Committee direction regarding landscaping and setbacks:

E. Final Committee Action

Amendments 2, 3, 4 and 8 will each require amendments to the title of the bill. If the Committee approves any of these amendments, I will prepare a new version of the bill incorporating the Committee's proposed amendments. As a substitute bill reflecting the Committee's recommendations, this new bill could be referred to full Council for a vote.

Any of amendments 2, 3, 4, 6, or 8, if approved by the Committee, propose adding new P designations that were not originally analyzed in the Executive's proposal, or add new land use regulations that were not considered by the Executive, and where therefore not subject to public notice. If the Committee makes any of these amendments, an additional public comment period is required under the Growth Management Act. I will prepare a public comment notice, and the first date that the Full Council would be able to act on the amended bill would be May 11.

Options for PLUS Committee action on Council Bill 118327.

Option A: Recommend adoption of Council Bill 118327, as proposed by the Executive.

Option B: Recommend adoption of Council Bill 118327, as amended by the Committee, or adoption of a substitute bill, as appropriate.

Option C: Recommend that the Council not pass Council Bill 118327.