

Director's Report and Recommendation

Filling Vacant Downtown Storefronts - Land Use Code Amendments

June 15, 2021

Proposal Summary

The Seattle Department of Construction and Inspections (SDCI) is recommending land use legislation to add more flexibility for uses allowed to occupy storefronts Downtown on certain streets where the allowed uses are limited. Due to the COVID 19 virus outbreak downtown has lost many businesses that relied on office workers, tourists and convention participants. The result is many vacant storefronts, substantially reduced activity on downtown sidewalks, and a general loss in vitality.

SDCI has worked with the Office of Planning and Community Development (OPCD) and the Department of Neighborhoods (DON) on proposed Land Use Code amendments to temporarily expand the types of uses that can locate in downtown storefronts to help fill vacancies and promote active streets. While in place, a property or business owner could apply for a permit to establish a type of use that is not normally allowed. The legislation includes the following:

1. **New types of uses at the street level.** Currently, only the most “active” types of uses (e.g., retail and bars/restaurants) and a few types of cultural and community facilities (e.g., libraries and childcare) are allowed at street level downtown. The proposal would allow more types of uses, including art installations, co-working spaces, community centers, and medical offices, among others. The list of proposed uses is drawn largely from what is allowed in pedestrian-oriented neighborhood business districts elsewhere in the city. While the proposed uses may be slightly less active than the uses currently allowed downtown, they would provide more options to fill empty spaces. To help these new uses to be visually interesting, we would also require the tenant’s most visual activities occur in the storefront.
2. **Temporary flexibility to support recovery.** The proposed ordinance would be in place for 12 months, the maximum amount of time allowed under state law for temporary/interim land use regulations that are proposed with a work plan. Environment (SEPA) review of the proposed legislation would occur post-adoption. The ordinance also includes a schedule for the preparation of permanent land use regulations.
3. **Duration of permit.** The proposal is to treat these permits like any other and allow the use to remain after the temporary rules expire. The permitted uses would become nonconforming, meaning they could stay in perpetuity but not expand at street-level. This would allow a tenant to recuperate over time the costs of obtaining permits and making improvements.
4. **Where the temporary flexibility would apply.** The proposal would apply to areas Downtown with street-level use restrictions, including the Retail Core (between Virginia and University) and in Belltown (along 1st/2nd/3rd Ave). There would be a custom

approach for the Special Review District in Pioneer Square to balance preservation, opportunities for recovery in the short term, and lasting economic health:

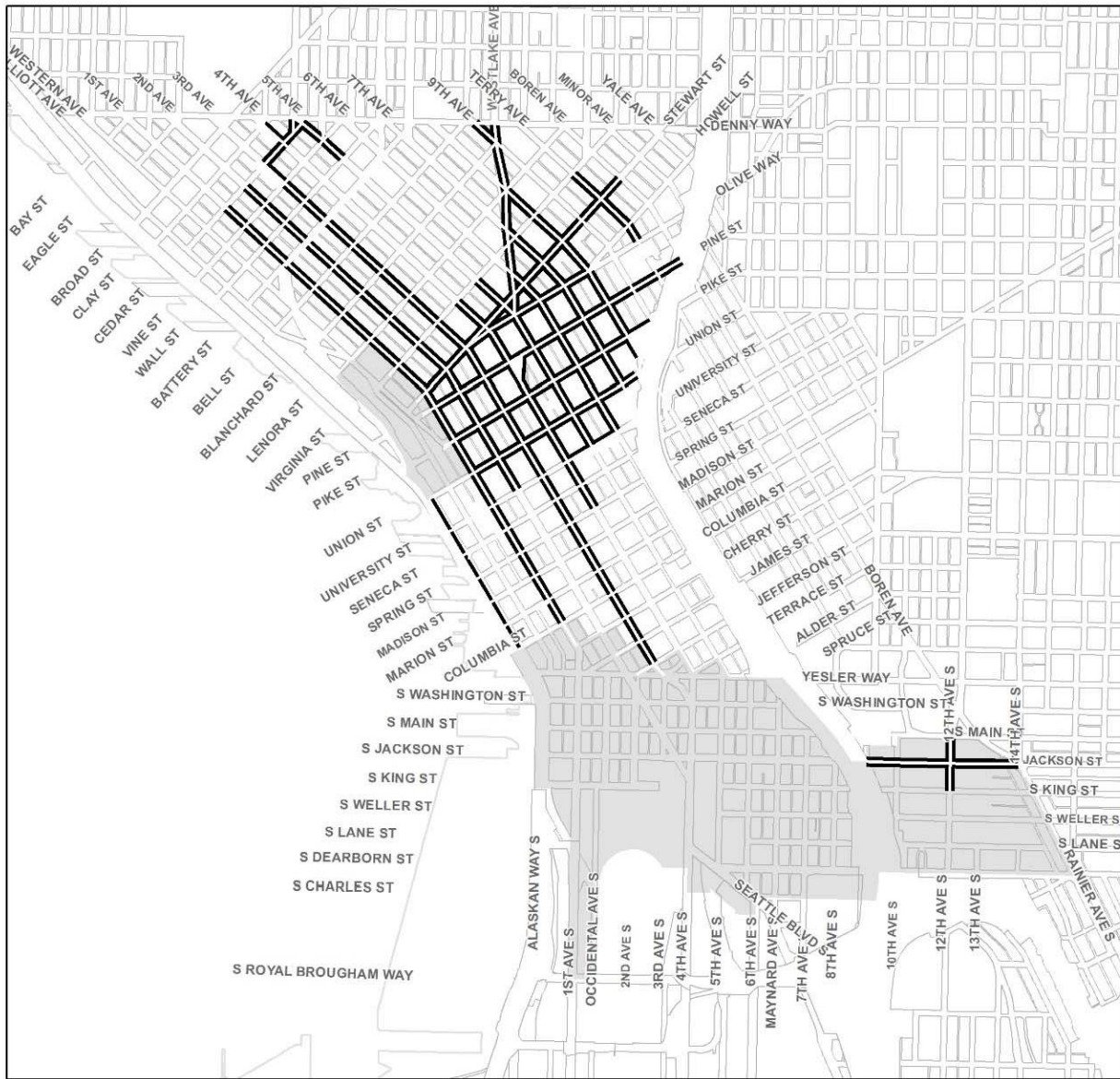
- **Pioneer Square.** The proposal would expand the types of uses allowed as a Special Review, once approved by the Pioneer Square Preservation Board (PSPD) on a case-by-case basis. It would also clarify which types of spaces located slightly above or below street-grade may be considered "street-level".
- **Chinatown/International District (CID).** No changes are proposed in CID. The International Special Review District (ISRD) Board already has broad discretion to review proposed uses on a case-by-case basis.

As part of the City's overall downtown revitalization efforts, we are recommending these temporary code amendments to complement other efforts by removing a code barrier to filling vacant storefronts. The Downtown Seattle Association (DSA) recently reported numerous vacancies downtown (approximately 160 in early 2021), many between the Pike Place Market and the Convention Center. Separately, OPCD and SDCI are working on ways to help BIPOC and other businesses navigate the permit process, and on priority processing, including a potential SDCI permit facilitator.

Background and Analysis

The following maps show the downtown streets where a specific menu of street-level uses is required, the boundaries of the Pioneer Square Preservation District (PSPD) as well as where street-level uses are required in the PSPD. This network of streets including in the PSPD is where the proposed code amendments would apply. In addition, tables show the current and proposed street-level uses.

Street Level Uses Required



Street Level Uses Required

Special Review or Historic Districts



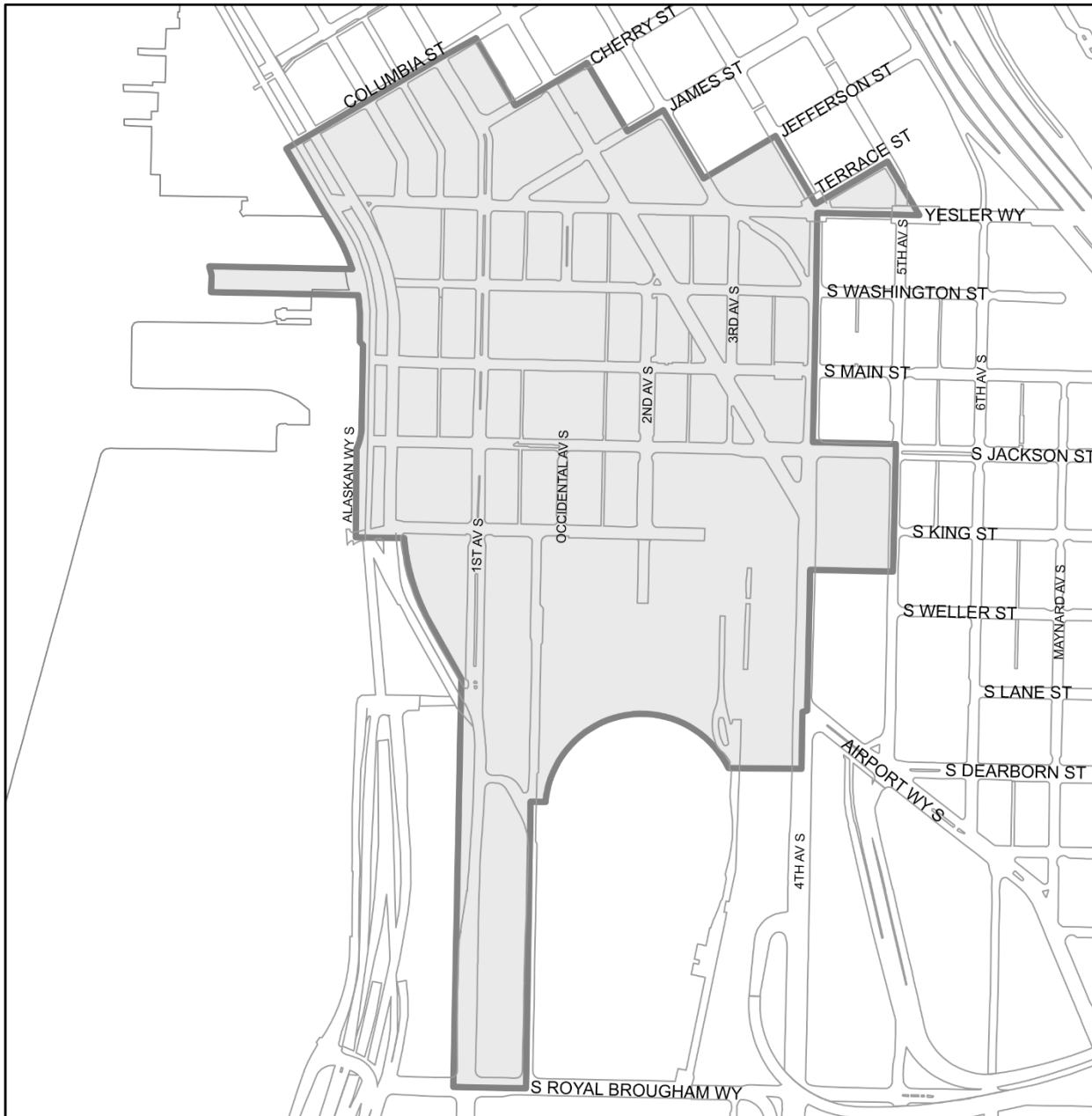
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Downtown zoning

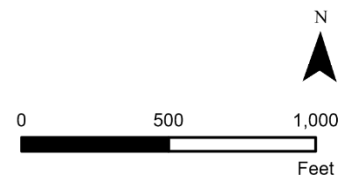
Map 1G

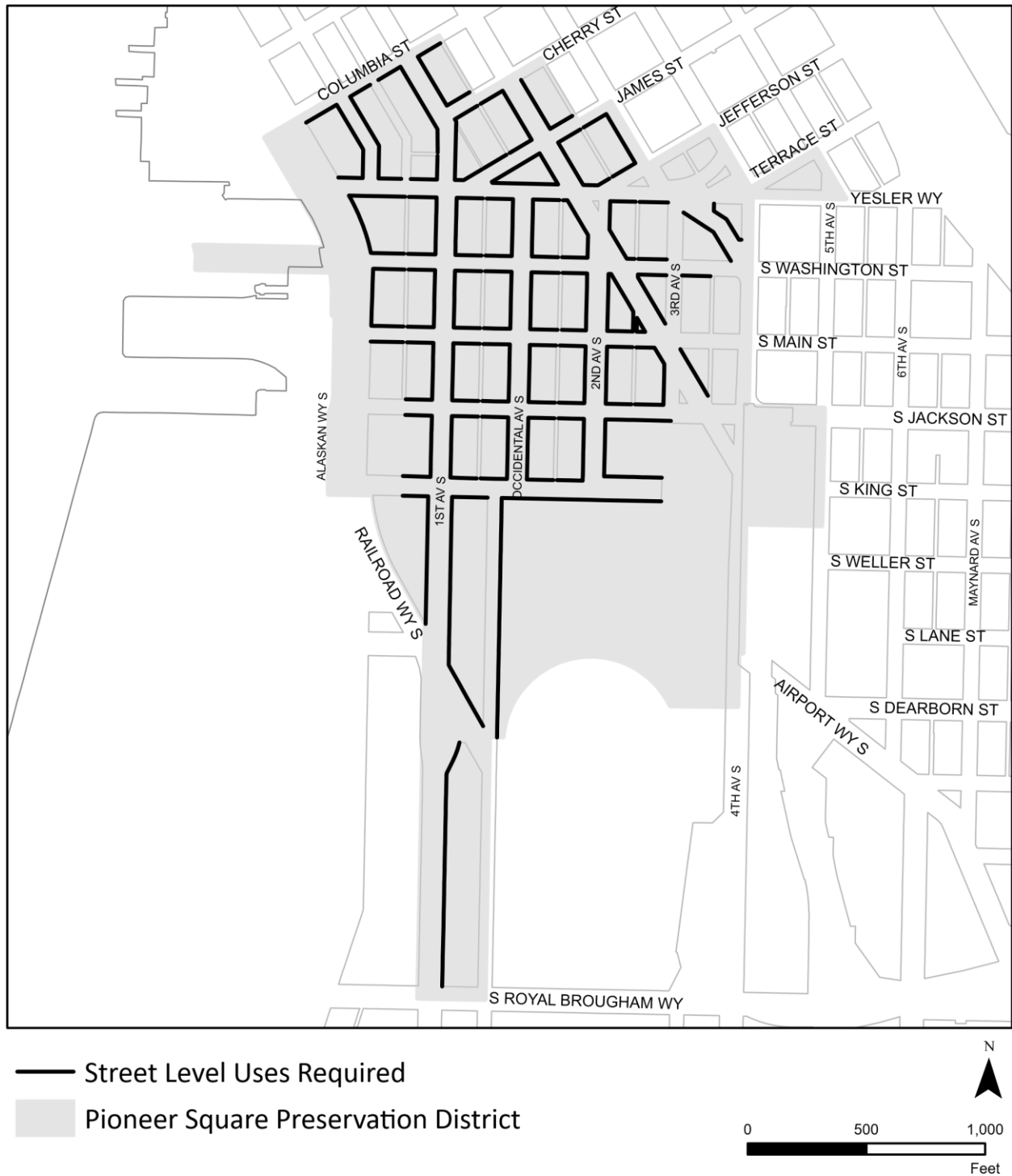
**Street Level Uses
Required**

Map A for 23.66.100



 Pioneer Square Preservation District





Comparison of Existing and Recommended Street-level Uses

Currently allowed street-level uses downtown, not including Pioneer Square & CID	Notes/examples
General sales and services	Grocery, pharmacies, shops, and customer service offices (banks with tellers, insurance agents)
Eating and drinking establishments	
Human service uses and child care centers	
Retail sales, major durables	Appliance sales
Entertainment uses	Music venues, video arcades
Museums, and administrative offices in a museum expansion space	
Libraries	
Elementary and secondary schools and colleges, except on lots in the Downtown Retail Core Zone	Retail core is generally around Westlake Park
Public atriums	
Arts facilities	
Religious facilities	
Bicycle parking, up to 30 percent of the frontage	
Proposed additional street-level uses including Pioneer Square*	Notes/examples
Arts installations	Less formal than arts facilities, includes pop-ups such as window displays
Bicycle parking and shower facilities for bicycle commuters	
Food processing and craft work	Food preparation on- or off-site for sale, hand-made goods made on- or off-site for sale
Horticultural uses	Nurseries including the growing of plants for sale
Institutions, except hospitals or major institutions	Community centers, private clubs
Lobbies, gyms, meeting rooms, shared working spaces, and other similarly active uses accessory to residential or lodging uses	Proposal would limit to 30 feet of frontage (roughly equal to two smaller storefronts)
Medical services	Doctor, dentist, and therapeutic services
Museums	Allowed at street-level downtown generally, this change clarifies they are allowed at street-level in Pioneer Square
Public parks	May include indoor spaces
Public restrooms	

Sales and services, non-household and heavy commercial, except heavy commercial sales.	Broader range of sales and services such as sales of restaurant equipment and janitorial services. The exclusion is for construction materials and industrial supplies.
Any similar use or activity that is determined by the Director to have the likelihood of attracting and increasing pedestrian activity in the area.	'Attracting and increasing activity' may include criteria such as extending activity beyond 8:AM to 5:PM period, and/or adding to the variety of goods and services in an area.

*The proposed additional uses are currently allowed at street-level in pedestrian-oriented business districts (Commercial zones) such as along 15th Ave E on Capitol Hill, California Ave SW in the West Seattle Junction, and N 45th St in Wallingford.

Pioneer Square and CID Street-level Uses

Distinct from the remainder of downtown, the street-level uses in Pioneer Square and in the CID do not largely rely on broad use categories for use regulation. The uses are called out as specific businesses. The businesses are then grouped as Preferred uses and Discouraged uses. In the PSPD use groupings also include Conditional and Prohibited uses. In the International Special Review District (ISRD) there is an additional grouping for uses Subject to Special Review. Some of the distinctions about which street-level uses are permitted in both neighborhoods is related to the size of the use or business, or how much of a block front is occupied.

Street-level use categories	Pioneer Square	Chinatown/International District
Preferred	Any of the following under 3,000 sqft in size: Art galleries, other general sales and services uses, eating and drinking establishments, lodging, theaters, and certain parking garages.	Apparel shops; Asian arts, crafts, and specialty goods shops; Bakeries; Banks; Barbecue shops; Bookstores; Coffee shops; Floral shops; Groceries; Museums; Personal services such as beauty shops and barbershops; Restaurants; Sidewalk cafes; Tea shops; Travel agencies; Variety stores.

<p>Discouraged</p>	<p>Any use occupying >50% of a block front,</p> <p>Any of the following uses over 3000 sqft in size:</p> <p>Art galleries, Other general retail sales and service uses, Eating and drinking establishments, and Lodging.</p> <p>All other uses listed as preferred over 10,000 sqft in size.</p> <p>Professional service establishments or offices occupying more than 20% of a block front.</p> <p>Parking garages that do not serve a preferred use.</p>	<p>N.A.*</p> <p>*In the Retail Core of the CID, the following uses are allowed with limited street frontage:</p> <p>Community clubs or centers; Family associations; Human service uses; Nonprofit community service organizations; Theaters and spectator sports facilities. .</p>
<p>Conditionally allowed (in Pioneer Square on Map B for 23.66.130)</p>	<p>Any use >50% of street-level frontage that is >20,000 sqft in size.</p> <p>Human service uses and personal service establishments, including hair cutting and tanning).</p>	<p>N.A.</p>
<p>Special review in the CID*</p> <p>* The Board may recommend, and the DON Director may impose, conditions to mitigate the impacts of approved uses.</p>	<p>N.A.</p>	<p>Appliance repair shops; Research and development laboratories; Radio and television studios; Residential uses; Taxidermy shops; Upholstery establishments; Vocational or fine arts schools; Warehouses or wholesale showrooms, especially if they include storage of jewelry, optical or photographic goods, pharmaceuticals,</p>

		cosmetics, and other similar high-value, low-bulk articles.
Prohibited	Wholesaling, storage and distribution uses; Vocational or fine arts schools; Research and development laboratories; Radio and television studios; Taxidermy shops; Appliance repair shops; Upholstery establishments; and Other similar uses.	N.A.

Development Standards

Multiple Land Use Code standards apply to street-level spaces. Many of these have changed over the years and existing buildings downtown were permitted under different versions of the Land Use Code. The standards generally are intended to: 1) help the street-level spaces contribute to the vitality of the street; and 2) address the overall fit and bulk and scale of the building they are located in.

Standards that relate to the street. These standards include having a door that can allow foot-traffic directly to and from the sidewalk, and windows that allow for people on the sidewalk to see into the space. These standards are not proposed to be changed with the proposal as they are important for the continued vitality of downtown.

Overall standards for the building. For commercial development, largely offices and hotels, the overall size of buildings is regulated by a limit on the amount of floor area that can be in commercial use. This is called a floor area ratio (FAR). It relates the amount of floor area allowed in a building to the area of the parcel the building sits on. Another standard allows builders to achieve additional floor area above the base FAR limit, by providing certain uses at street-level in addition to other features or amenities. Examples of street-level uses that have been used in buildings per various versions of the Land Use Code to achieve additional floor area include museums, child-care, human-service uses, and retail stores. In the case of retail stores for example, they no longer qualify to earn additional floor area, but are exempt from the floor area limit as an incentive to continue to include them. In order to facilitate the filling of vacant spaces, including any that were previously used to earn floor area or are exempt from floor area, the proposed legislation would allow a new proposed street-level use to replace a retail store (general sales and service use) even if it does not qualify to achieve floor area or is not exempt. An example is the proposed medical services use that would be able to fill a vacant space that was established as a retail store.

Comprehensive Plan Goals and Policies

The proposal is consistent with following relevant goals and policies in the *Seattle 2035* Comprehensive Plan:

GOAL LU G11 Promote Downtown Seattle as an urban center with the densest mix of residential and commercial development in the region, with a vital and attractive environment that supports employment and residential activities and is inviting to visitors.

PRE-EMINENT REGIONAL CENTER GOAL DT-G1 Maintain Downtown Seattle as the most important of the region's urban centers—a compactly developed area supporting a diversity of uses meeting the employment, residential, shopping, culture, service, and entertainment needs of the broadest range of the region's population.

ECONOMIC DEVELOPMENT GOAL DT-G2 Encourage economic development activities consistent with the Comprehensive Plan to attract and retain businesses and to expand employment and training opportunities for Seattle area residents.

URBAN FORM GOAL DT-G4 Use regulations in the Land Use Code and other measures to encourage public and private development that contributes positively to the Downtown physical environment by: ...4. establishing a high-quality pedestrian-oriented street environment;...

DT-UDP11 Regulate uses at street-level in certain areas in order to generate pedestrian interest and activity in conformance with policies for the pedestrian environment. Promote street-level uses to reinforce existing retail concentrations, enhance main pedestrian links between areas, and generate new pedestrian activity where appropriate to meet area objectives without diluting existing concentrations of retail activity. Promote active and accessible uses at the street-level of new development where it is important to maintain the continuity of retail activity. Consider measures to promote street-level space of adequate size and sufficient flexibility to accommodate a variety of retail and service activities. Encourage incorporation, as appropriate, of street-level uses as part of open space public amenity features provided for a floor area bonus to promote activity and increase public use of these spaces. To encourage active and accessible street-level uses throughout Downtown, consider appropriate exemptions of these uses from floor area limits.

In addition to the key goals and policies included above, the Downtown goals and policies recognize the distinct character of the neighborhoods that make up downtown, especially within the historic area of Pioneer Square. The proposal is consistent with the goals and policies for that neighborhood.

Recommendation

The Director of SDCI recommends adoption of the proposed temporary code amendments to remove a code barrier to promote filling vacant storefronts downtown as part of the City's overall downtown revitalization efforts.