

Ordinance No. 121244

Council Bill No. 114594

*we*

The City of Seattle  
Council Bill/Ordinance

An ordinance relating to land use and zoning; amending Seattle Municipal Code Section 23.71.008 (Northgate Overlay District) to include libraries and parks as permitted street level uses along major pedestrian streets.

8/5/03 - Pass 3

CF No. \_\_\_\_\_

Date Introduced: <u>JUN 16 2003</u>	Land Use Committee	
Date 1st Referred: <u>JUN 16 2003</u>	To: (committee)	
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage: <u>8-11-03</u>	Full Council Vote: <u>7-0</u>	
Date Presented to Mayor: <u>8-12-03</u>	Date Approved: <u>8/19/03</u>	
Date Returned to City Clerk: <u>8/19/03</u>	Date Published: <u>3000</u>	T.O. <input checked="" type="checkbox"/> F.T. <input checked="" type="checkbox"/>
Date Vetoed by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

B-11-03 Passed

This file is complete and ready

*Law Department*

Law Dept. Review



ORDINANCE 121244

AN ORDINANCE relating to land use and zoning; amending Seattle Municipal Code Section 23.71.008 (Northgate Overlay District) to include libraries and parks as permitted street level uses along major pedestrian streets.

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. Section 23.71.008 of the Seattle Municipal Code, which Section was last amended by Ordinance 118414, is amended as follows:

**23.71.008 Development along major pedestrian streets.**

\* \* \*

**B. Standards for Required Street-level Uses.**

1. A minimum of sixty (60) percent of a commercially zoned lot's frontage on a major pedestrian street shall be occupied by one or more of the following uses, provided that drive-in businesses and outdoor storage are prohibited:

- a. Personal and household retail sales and service use;
- b. Eating and drinking establishments;
- c. Customer service offices;
- d. Entertainment uses;
- e. Lodging uses((-));
- f. Public libraries;
- g. Parks.

If a portion of the major pedestrian street frontage is required for access to on-site parking due to limited lot dimension, the Director may permit less than sixty (60) percent of the frontage to be occupied by such uses.

2. A minimum of eighty (80) percent of each structure fronting on a major pedestrian street shall be occupied at street-level by one or more of the uses listed in subsection B1 of this section or a building lobby permitting access to uses above or behind street-front uses.



1 In no case shall pedestrian access to uses above or behind required streetfront uses exceed twenty  
2 (20) percent of the structure's major pedestrian street front. The remaining twenty (20) percent of  
3 the structure's street frontage may contain other permitted uses or pedestrian entrances (Exhibit  
4 23.71.008 A).

5 3. Street-level uses shall occupy a minimum of the first ten (10) feet above  
6 sidewalk grade.

7 4. All required street-level uses along major pedestrian streets shall be set back  
8 no more than ten (10) feet from the street property line, except as necessary to provide open  
9 space as defined in Section 23.71.014 C or for bedrooms in a lodging structure, which may be set  
10 back a maximum of fifteen (15) feet. The owner shall design the area subject to this setback to  
11 include special pavers, as an extension of the sidewalk or with landscaping.

12 5. The principal entrances to required street-level uses on major pedestrian streets  
13 shall have direct access to the sidewalk and be within three (3) feet of the sidewalk grade  
14 elevation.

15 6. Personal and household retail sales and service uses greater than thirty  
16 thousand (30,000) square feet may locate a principal pedestrian entrance on a facade oriented to a  
17 parking area or the major pedestrian street. Where a principal pedestrian entrance is oriented to a  
18 parking area, an additional pedestrian entrance shall be located along the major pedestrian street.  
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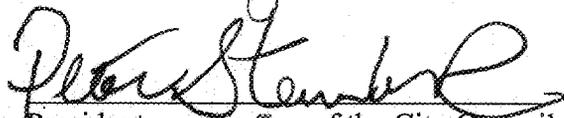
1 In lieu of the additional entrance, the owner may provide a ten (10) foot wide, landscaped  
2 pedestrian walkway from the major pedestrian street to the principal pedestrian entrance,  
3 provided that the walkway does not go through other businesses or parking areas.

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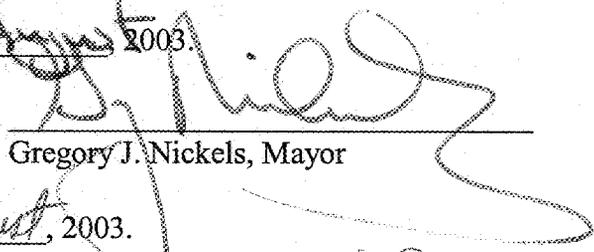
5 Section 2. The provisions of this ordinance are declared to be separate and severable. The  
6 invalidity of any particular provision shall not affect the validity of any other provision.

7 Section 3. This ordinance shall take effect and be in force thirty (30) days from and after its  
8 approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after  
9 presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

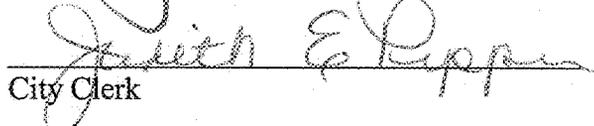
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11 Passed by the City Council the 11<sup>th</sup> day of August 2003, and signed by me in open  
12 session in authentication of its passage this 11<sup>th</sup> day of August 2003.

13  
14   
15 President \_\_\_\_\_ of the City Council

16 Approved by me this 19 day of August 2003.

17   
18 Gregory J. Nickels, Mayor

19 Filed by me this 19<sup>th</sup> day of August, 2003.

20   
21 City Clerk

22 (Seal)  
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# City of Seattle

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Gregory J. Nickels, Mayor

## Office of the Mayor

May 27, 2003

Honorable Peter Steinbrueck  
President  
Seattle City Council  
Municipal Building, 11<sup>th</sup> Floor

Dear Council President Steinbrueck:

The attached ordinance amends the Land Use Code to allow libraries and parks on designated Major Pedestrian Streets in the Northgate Overlay District. Libraries are currently allowed in pedestrian-designated commercial areas outside of the Northgate area. This technical change will allow the new Northgate branch of the Seattle Public Library to be located on 5th Avenue N.E., the site chosen through an extensive public review process. Similarly, allowing a park on a Major Pedestrian Street is necessary due to the combined library/parks facility that is planned for Northgate. This proposal is also consistent with the open space priorities of the Northgate Area Comprehensive Plan.

Thank you for your consideration of this legislation. Should you have questions please contact Kristian F. Kofoed at 233-7191.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Nickels", written over a large, stylized flourish that extends across the signature line and down into the "cc:" line.

GREG NICKELS  
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

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600 Fourth Avenue, 12<sup>th</sup> Floor, Seattle, WA 98104-1873

Tel: (206) 684-4000, TDD: (206) 684-8811 Fax: (206) 684-5360, E-mail: [mayors.office@ci.seattle.wa.us](mailto:mayors.office@ci.seattle.wa.us)

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**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>DOF Analyst/Phone:</b>
DCLU	Kristian F. Kofoed/233-7191	Cameron Keyes/684-8048

**Legislation Title:**

An ordinance relating to land use and zoning; amending Seattle Municipal Code Section 23.71.008 (Northgate Overlay District) to include libraries and parks as permitted street level uses along major pedestrian streets

• **Summary of the Legislation:**

This ordinance amends the Land Use Code to allow libraries and parks as uses on designated Major Pedestrian Streets in the Northgate Overlay District. Libraries are allowed uses on similarly designated streets in pedestrian-designated areas in other commercial zones, and this technical change will allow the new Northgate branch of the Seattle Public Library to locate on 5th Avenue N.E., the site chosen through an extensive public review process. Similarly, allowing a park as a Major Pedestrian Street use is necessary for the combined library/parks facility to locate on the 5th Avenue N.E. site, and will help establish consistency of the Land Use Code with the open space priorities of the Northgate Area Comprehensive Plan.

This legislation does not have financial implications.

• **Background:**

This proposed legislation would amend the street level uses section of the Northgate Overlay District (SMC 23.71) to allow libraries and parks along Major Pedestrian Streets.

x **This legislation does not have any financial implications.**



## **DIRECTOR'S REPORT AND RECOMMENDATION NORTHGATE LIBRARY AND PARK AMENDMENT**

### **INTRODUCTION**

The Department of Design, Construction and Land Use (DCLU) is proposing to amend the Land Use Code to allow libraries and parks to meet street level use requirements on Major Pedestrian Streets in the Northgate Overlay District.

### **BACKGROUND**

In 1993, the Council adopted portions of the Northgate Area Comprehensive Plan (NACP) and, through Ordinance 116770, approved Land Use and SEPA policies for the Northgate area, including a policy related to open space. This ordinance also adopted the Northgate Priorities for an Open Space Fund. One priority was conversion of the Metro Park and Ride at 5<sup>th</sup> Avenue NE and NE 113<sup>th</sup> Street.

Ordinance 116795 created the Northgate Overlay District which designates 5<sup>th</sup> Avenue NE as a Major Pedestrian Street. Allowed street level uses along this street include personal and household retail sales and service uses, eating and drinking establishments, customer service offices, entertainment uses, and lodging uses. Currently parks and libraries are not permitted along a Major Pedestrian Street.

In 1998, Seattle voters approved the Libraries for All bond measure, which included funds for building a new branch library at Northgate. After a two and a half year public process, which began January 2000, the Library eventually chose a site on 5<sup>th</sup> Avenue NE and NE 105<sup>th</sup> Street. In November 2000, Seattle voters approved the \$198.2 million Pro-Parks Levy. The funds from this levy, combined with funding from the 1999 Community Center Levy, will be used to acquire property for the park and community center that are planned to share the property with the library.

The Northgate Library site is inconsistent with the current provisions for Major Pedestrian Streets. The adopted open space priority site at 5<sup>th</sup> NE and NE 113<sup>th</sup> is also inconsistent with these provisions. Consequently, this proposed legislation would amend the street level uses section of the code to allow libraries and parks along Major Pedestrian Streets in the Northgate Overlay District.

### **ANALYSIS**

The purpose of the Northgate Overlay District is set out in 23.71.002, and includes "creat[ing] an environment...that is more amenable to pedestrians." Similarly, Policy 8 of the Northgate Area Comprehensive Plan seeks to "Increase pedestrian circulation with an improved street level environment..." Adding libraries and parks as allowed uses on Major Pedestrian Streets is consistent with Policy 8 and its Implementation Guidelines. For example, Northgate Area Comprehensive Plan Implementation Guideline 8.2 seeks to "ensure that development



contributes to a positive pedestrian environment...with substantial development designed to encourage pedestrian activity." The same Implementation Guideline 8.2 identifies "connected urban open spaces" as a desired characteristic of development along Major Pedestrian Streets. Allowing parks as uses on Major Pedestrian Streets is a logical step to providing "connected urban open spaces."

Implementation Guideline 12.6 also provides policy direction for the Land Use Code. One priority is conversion of the Metro Park and Ride at 5<sup>th</sup> Avenue N.E. and 113<sup>th</sup> Street to a park. Under the current provisions governing uses on Major Pedestrian Streets, this priority would be impossible to accomplish, because a park is not an allowed use. Adding parks to the list of uses will enable the Land Use Code to be consistent with this policy direction so that when funding is available to convert the park and ride into a park, that use will be allowed.

Major Pedestrian Streets and principal pedestrian streets associated with pedestrian-designated zones elsewhere in the city, as provided for in SMC 23.47.042, have similar policy goals – to promote a positive pedestrian environment. As described in 23.34.086, the characteristics of this environment include "intense pedestrian interest and activity at street level;" "wide variety of retail/service activities;" and a "large number of shops and services per block." Allowing public libraries and parks on Major Pedestrian Streets will help reinforce these characteristics, increasing pedestrian interest at the street level and adding to the variety of service activities and to the number of services on the block.

In 2001 (Ordinance 120609), libraries were added as a permitted street level use to pedestrian-designated zones throughout the city, except Northgate (SMC 23.47.042). Through an oversight and because Northgate has separate zoning requirements governing pedestrian streets from those applicable elsewhere in the city, the 2001 Ordinance did not add libraries as an allowed use to Major Pedestrian Streets in the Northgate area. This proposed amendment would address this oversight.

#### **RECOMMENDATION**

The fundamental purposes of this proposal are to promote consistency between the adopted policies of the Northgate Area Comprehensive Plan and articulation of those policies in the list of permitted street level uses on Major Pedestrian Streets.

Adding libraries and parks to the list of Major Pedestrian Street uses is the simplest and most effective means of accomplishing those purposes. The consequences of adopting this proposal should be uniformly positive, in that adoption will allow achievement of a Northgate Area Comprehensive Plan policy and help to fulfill the intent of the Libraries For All Bond Measure and the Pro Parks Levy.

Therefore, the Department of Design, Construction and Land Use recommends approval of the proposed amendment to the Land Use Code to allow libraries and parks as uses on Major Pedestrian Streets within the Northgate Overlay District.



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**STATE OF WASHINGTON – KING COUNTY**

--SS.

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162320  
City of Seattle, Clerk's Office

No. ORDINANCE IN FULL

**Affidavit of Publication**

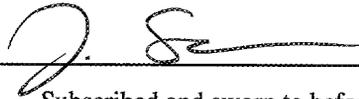
The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published 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 12<sup>th</sup> 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:121244 ORD IN FULL

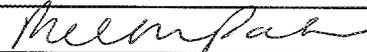
was published on

8/21/2003

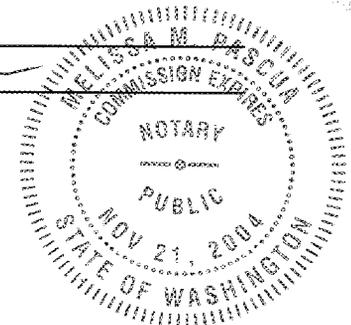


Subscribed and sworn to before me on

8/21/2003



Notary public for the State of Washington,  
residing in Seattle



Affidavit of Publication

# State of Washington, King County

## City of Seattle

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