



# Agenda Sheet for City Council:

Committee: Urban Experience Date: 01/08/2024

Committee Agenda type: Discussion

Date Rec'd 12/22/2023

Clerk's File # ORD C36487

Renews #

Cross Ref #

Council Meeting Date: 01/29/2024

<b>Submitting Dept</b>	PLANNING & ECONOMIC	<b>Project #</b>	
<b>Contact Name/Phone</b>	TIRRELL BLACK X6185	<b>Bid #</b>	
<b>Contact E-Mail</b>	TBLACK@SPOKANECITY.ORG	<b>Requisition #</b>	
<b>Agenda Item Type</b>	Emergency Ordinance		
<b>Council Sponsor(s)</b>	BWILKERSON PDILLON		
<b>Agenda Item Name</b>	0650- E 29TH AVE PROPOSED PEDESTRIAN STREET DESIGNATION		

### Agenda Wording

A zoning amendment (SMC 17C.122.030) to designate a .66-mile portion of E 29th Ave, approximately from S Martin St to S Fiske St.

### Summary (Background)

A zoning amendment (SMC 17C.122.030) to designate a .66-mile portion of E 29th Ave, approximately from S Martin St to S Fiske St. Parcels with frontage on E 29th Ave and CC1-DC or CC2-DC zoning, in the case of future development, would be required to follow the additional pedestrian street allowed uses and design standards and guidelines to promote a pedestrian friendly environment. Drive-through businesses are not permitted within pedestrian street zoning designation areas.

Lease? NO Grant related? NO Public Works? NO

### Fiscal Impact

Approved in Current Year Budget? N/A

Total Cost \$

Current Year Cost \$

Subsequent Year(s) Cost \$

### Narrative

No known fiscal impact to city operations

### Amount

Select \$

Select \$

Select \$

Select \$

\$

\$

### Budget Account

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PASSED BY  
SPOKANE CITY COUNCIL:

1/29/2024  
*[Signature]*  
CITY CLERK



## Committee Agenda Sheet

### Urban Experience Committee

<b>Committee Date</b>	UE January 8, 2024
<b>Submitting Department</b>	Planning and Economic Development
<b>Contact Name</b>	Tirrell Black
<b>Contact Email &amp; Phone</b>	<a href="mailto:tblack@spokanecity.org">tblack@spokanecity.org</a> , (509)625-6185
<b>Council Sponsor(s)</b>	CP Wilkerson and CM Dillon
<b>Select Agenda Item Type</b>	<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion    Time Requested:
<b>Agenda Item Name</b>	E 29 <sup>th</sup> Ave Proposed Pedestrian Street Designation / ORD C36487
<b>Proposed Council Action</b>	<input checked="" type="checkbox"/> Approval to proceed to Legislative Agenda <input type="checkbox"/> Information Only  <b>Urban Experience:</b> January 8, 2024. <b>Council Action:</b> January 29, 2024.
<b>Summary (Background)</b>  *use the Fiscal Impact box below for relevant financial information	<p>A zoning amendment (SMC 17C.122.030) to designate a .66-mile portion of E 29th Ave, approximately from S Martin St to S Fiske St. Parcels with frontage on E 29th Ave and CC1-DC or CC2-DC zoning, in the case of future development, would be required to follow the additional pedestrian street allowed uses and design standards and guidelines to promote a pedestrian friendly environment. Drive-through businesses are not permitted within pedestrian street zoning designation areas. Staff recommend adding a listing of all pedestrian streets to the code to clarify their locations.</p> <p>On October 2, 2023, Spokane City Council passed Resolution 2023-0084 adding the review of a pedestrian street designation in the Lincoln Heights neighborhood to the Spokane Plan Commission's work program. The area for consideration of a pedestrian street zoning designation, which is a zoning overlay unique to the Centers &amp; Corridor zoning category, is .66 miles of E 29th Ave between S Martin St and S Fiske St. This stretch of 29th Avenue is consistent with the existing extent of CC1-DC (Center and Corridor, Type 1, District Center) and CC2-DC (Center and Corridor, Type 2, District Center) zoning along E 29th Ave.</p> <p>The Plan Commission held a hearing on January 11 and approved the proposed changes. The Plan Commission findings and materials from the January 11, 2024 hearing are included with this briefing paper.</p> <p><b>Emergency clause.</b> The revised ordinance includes an emergency clause.</p> <p><b>Amended Version:</b> Includes additional recitals and references to supporting material.</p>
<b>Fiscal Impact</b> <b>Approved in current year budget?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <b>Total Cost:</b> <small>Click or tap here to enter text.</small> <b>Current year cost:</b> <b>Subsequent year(s) cost:</b>	

Amended Version Recv'd 1/26/2024 9:18 a.m.  
Wilkerson/Dillon Amendment

**Narrative:** Please provide financial due diligence review, as applicable, such as number and type of positions, grant match requirements, summary type details (personnel, maintenance and supplies, capital, revenue), impact on rates, fees, or future shared revenue

**Funding Source**       One-time     Recurring     N/A

Specify funding source: Select Funding Source\*

Is this funding source sustainable for future years, months, etc? Click or tap here to enter text.

**Expense Occurrence**     One-time     Recurring     N/A

Other budget impacts: (revenue generating, match requirements, etc.)

**This action does not change street operations**

**Operations Impacts** (If N/A, please give a brief description as to why)

- What impacts would the proposal have on historically excluded communities?  
**This proposal does not have impacts on historically excluded communities**
- How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities?  
  
N/A
- How will data be collected regarding the effectiveness of this program, policy, or product to ensure it is the right solution?  
  
N/A
- Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?

**Comprehensive plan policies**

**Chapter 3: Land Use – Policy LU 2.1 Public Realm Features**

**Chapter 3: Land Use – Policy LU 3.2 Centers and Corridors**

**Chapter 3: Land Use – Policy LU 3.4 Planning for Centers and Corridors**

**Chapter 3: Land Use – Goal LU 4 Transportation**

**Chapter 3: Land Use – Policy LU 4.2 Land Uses That Support Travel Options and Active Transportation**

**Chapter 3: Land Use – 3.4 Description of Land Use Designations**

**Chapter 4: Transportation – TR Goal B Provide Transportation Options**

**Chapter 4: Transportation – TR 1 Transportation Network For All Users**

**Chapter 4: Transportation – TR 5 Active Transportation**

**Chapter 4: Transportation – TR 6 Commercial Center Access**

**Chapter 4: Transportation – 4.4 Modal Elements**

**Chapter 8: Urban Design and Historic Preservation – Policy DP 2.10**

**Neighborhood Planning:**

**South Hill Coalition Connectivity and Livability Strategic Plan, 2014**

**Lincoln Heights District Center Master Plan, 2016**

**Council Subcommittee Review**

- Please provide a summary of council subcommittee review. If not reviewed by a council subcommittee, please explain why not.

**This proposal was reviewed by the Plan Commission on January 10, 2024. No applicable subcommittee.**

ORDINANCE NO. C36487

An Ordinance concerning land use standards for centers and corridors, amending sections 17C.122.010 and 17C.122.030 of the Spokane Municipal Code, and declaring an emergency.

**WHEREAS**, the area centered on 29<sup>th</sup> Avenue and Regal Street in the Lincoln Heights neighborhood is designated a District Center in the Comprehensive Plan; and

**WHEREAS**, the Comprehensive Plan includes policies and goals to enhance pedestrian safety and access within and around designated Centers, especially policies LU 2.2, LU 3.2, LU 4.1, and TR 6; and

**WHEREAS**, the Spokane South Hill Coalition in June 2014 adopted a Connectivity and Livability Strategic Plan (the "Strategic Plan") for Spokane's south hill region, including Lincoln Heights neighborhood, which included the goal of a more pedestrian and less auto-centric development of the Lincoln Heights area; and

**WHEREAS**, consistent with the Strategic Plan, the Lincoln Heights neighborhood developed the Lincoln Heights District Center Plan ("District Plan") in June 2016, which included specific recommendations for making the business core of Lincoln Heights more pedestrian-friendly and less dependent on automobile transportation, and included specific recommendations for alterations to 29<sup>th</sup> Avenue to improve pedestrian safety and walkability; and

**WHEREAS**, on September 4, 2023 the Lincoln Heights Neighborhood Council reviewed the recommendations in the District Plan, and determined that an immediate priority for the neighborhood was designation of 29<sup>th</sup> Avenue from Martin Street to Fiske Street as a "Pedestrian Street" pursuant to SMC 17A.020.160; and

**WHEREAS**, designation of 29<sup>th</sup> Avenue from Martin Street to Fiske Street as a "Pedestrian Street" is an area--wide text amendment to Title 17 SMC that will ensure that commercial and residential development along 29<sup>th</sup> Avenue supports a safe and walkable environment for pedestrians and furthers the goals of the Comprehensive Plan and previous neighborhood planning effort; and

**WHEREAS**, as set forth in more detail in the Planning Department's January 2, 2024 Staff Report, recent surveys indicate that a significant percentage of pedestrians and bicyclists feel unsafe or uncomfortable walking and/or bicycling along the subject stretch of 29<sup>th</sup> Avenue; and

**WHEREAS**, as a Pedestrian Street, no new drive-through businesses would be permitted on sites that front on the designated stretch of 29<sup>th</sup> Avenue zoned Centers and Corridors; and

**WHEREAS**, the City's Comprehensive Plan encourages safe and walkable environment for pedestrians in Centers and Corridors; and

**WHEREAS**, according to studies, drive-through facilities discourage walking, public transit use, and visits to neighboring businesses which is inconsistent with the City's vision for the Lincoln Heights District Center; and

**WHEREAS**, a 2014 study focused on the safety of different driveway typologies found that driveways for drive-through businesses have the highest crash rate of any studied driveway typology, representing an equivalency of 6.66 residential driveways (<https://www.sciencedirect.com/science/article/pii/S1877042814041615>); and

**WHEREAS**, a January 21, 2024 article in the Spokesman Review cites a 40% increase in the number of people being hit by cars in Spokane in 2023 (<https://www.spokesman.com/stories/2024/jan/21/people-deserve-to-feel-safe-spokane-saw-a-rise-of-/>); and

**WHEREAS**, a number of cities have adopted ordinances banning the construction of new drive-through windows with many bans focusing on improving pedestrian safety and enhancing walkability (<https://sustainablecitycode.org/brief/prohibit-or-limit-the-use-of-drive-through-services-2/>); and

**WHEREAS**, as documented in the Sustainable City Code article, a number of studies have looked at the negative effect of drive-through facilities, and, further, a common concern surrounding drive-throughs is how they negatively affect pedestrian safety; and

**WHEREAS**, according to studies, drivers are less likely to be alert at drive-throughs, which is dangerous for bicyclists and pedestrians in urban areas; and

**WHEREAS**, on October 22, 2023, the Spokane City Council adopted Resolution 2023-0084, which directed the Spokane Plan Commission review of designation of 29th Avenue from Martin Street to Fiske Street as a "Pedestrian Street"; and

**WHEREAS**, review of the "Pedestrian Street" designation of 29th Ave identified a lack of clarity within the Spokane Municipal Code on what pedestrian streets are, how they can be applied, and where they are located; and

**WHEREAS**, the Spokane Plan Commission reviewed the designation of 29<sup>th</sup> Avenue as a "Pedestrian Street" and conducted a hearing on the proposal on January 10, 2024, which hearing resulted in findings of fact and endorsement of revision of certain provisions in the Spokane Municipal Code regarding pedestrian street designations as well as designation of a portion of 29<sup>th</sup> Avenue as a "Pedestrian Street"; and

**WHEREAS**, prior to and during the Plan Commission hearing, and prior to the City Council's hearing on this Ordinance, appropriate notice has been provided affording the

public and interested property owners with the opportunity to participate in the process and voice their support and/or concerns for the proposal; and

**WHEREAS**, this Ordinance has been reviewed and processed in accordance with RCW 36.70A.370; and

**WHEREAS**, without an immediate action to amend the Pedestrian Street designation, processing of applications by the City could occur under regulations that are inconsistent with the City's legitimate policy of encouraging a pedestrian friendly and walkable center in the Lincoln Heights area, and therefore, this ordinance must go into effect immediately to prevent any development rights from vesting and preserve the City's ability to process applications under valid codes; and

**WHEREAS**, the City Council adopts the foregoing recitals and the entire record relating to this proposal, including without limitation the Staff Report dated January 2, 2024, and the Plan Commission Findings dated January 12, 2024, as findings of fact in support of this Ordinance.

NOW, THEREFORE, the City of Spokane does hereby ordain as follows:

**Section 1.** Section 17C.122.010 of the Spokane Municipal Code is amended to read as follows:

**Section 17C.122.010 Intent**

The intent of center and corridor regulations is to implement the goals and policies of the comprehensive plan for centers and corridors. These areas are intended to bring employment, shopping, and residential activities into shared locations and encourage, through new development and rehabilitation, new areas for economic activity.

New development and redevelopment is encouraged in these areas that promotes a relatively cohesive development pattern with a mix of uses, higher density housing, buildings oriented to the street, screened parking areas behind buildings, alternative modes of transportation with a safe pedestrian environment, quality design, smaller blocks and relatively narrow streets with on-street parking.

Type 1, 2 and 3 center and corridor zones are designated within the center and corridor core land use category and the core commercial areas of the centers and corridors shown on the land use plan map of the comprehensive plan.

The Type 4 mixed use transition zone is designated within the center and corridor transition land use category on the land use plan map of the comprehensive plan.

Center and corridor zones are not intended to be applied to property outside of the Centers and Corridors Land Use Plan Map designations. Type 1 (CC1), Type 2 (CC2).



Type 3 (CC3) and Type 4 (CC4) center and corridor zones are identified on the official zoning map. The comprehensive plan center type is also designated on the official zoning map as follows: neighborhood center (NC), district center or corridor (DC) and employment center (EC).

**Section 2.** Section 17C.122.030 of the Spokane Municipal Code is amended to read as follows:

**Section 17C.122.030 ((Centers/Corridors – Official Zoning Map))Pedestrian Street Designations**

~~((As shown on the official zoning map, center and corridor zoning classifications (CC1, CC2 and CC3) are only applied to the core commercial areas and the center and corridor land use designations of the centers and corridors designated on the comprehensive plan land use plan map. The center and corridor mixed use transition zone classification (CC4) is only to be applied in the center and corridor transition land use designation on the comprehensive plan land use map. Center and corridor zones are not intended to be applied to property outside of these zones. Type 1 (CC1), Type 2 (CC2), Type 3 (CC3) and Type 4 (CC4) center and corridor zones are identified on the official zoning map. The comprehensive plan center type is also designated on the official zoning map as follows: neighborhood center (NC), district center or corridor (DC) and employment center (EC).))~~

~~((Pedestrian streets are designated on the official zoning map.))~~

- A. The pedestrian street zoning designation promotes a pleasant and safe environment for pedestrians by applying additional standards and use limitations to parcels with center and corridor zoning (CC1, CC2, CC3, and CC4). Design features to promote a pedestrian friendly environment include minimal interruptions of the sidewalk by driveways, publicly usable site furnishing such as benches, tables, and bike racks, and visually interesting buildings close to the sidewalk.
- B. The pedestrian street zoning designation can be applied to any street where adjacent parcels have center and corridor zoning classifications (CC1, CC2, CC3, and CC4).

Designated pedestrian streets are:

1. North Market St between E Nebraska Ave and E Wabash Ave
2. W Garland Ave between N Madison St and N Howard St
3. E Buckeye Ave between N Hamilton St and N Denver St
4. N Columbus St between E North Foothills Dr and E Marietta Ave
5. N Monroe St between W Montgomery Ave and W Boone Ave
6. W Broadway Ave between E Elm St and N Maple St

7. E Sprague Ave between Madelia St and Napa St
8. E Newark Ave/S Perry St between E 7<sup>th</sup> Ave and 67.5' north of the E 12<sup>th</sup> Ave ROW
9. S Grand Blvd between E Sumner Ave and E 14<sup>th</sup> Ave
10. E 29<sup>th</sup> Ave between S Martin St and S Fiske St

~~((The initial land use code and design standards and guidelines contain specific design standards))~~ The design standards and guidelines in SMC 17C.122.060 Attachment "A" and allowed uses in Table 17C.122-1 are applied to promote the pedestrian friendly environment along these streets.

**Section 3. Severability.** If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

**Section 4. Clerical Errors.** Upon approval by the city attorney, the city clerk is authorized to make necessary corrections to this ordinance, including scrivener's errors or clerical mistakes; references to other local, state, or federal laws, rules, or regulations; or numbering or referencing of ordinances or their sections and subsections.

**Section 5. Declaration of Emergency and Effective Date.** This ordinance, passed by a majority plus one of the whole membership of the City Council as a public emergency ordinance necessary for the protection of the public health, public safety, public property, or public peace, shall be effective immediately upon its passage. Without an immediate action to amend the Pedestrian Street designation, processing of applications by the City could occur under regulations that are inconsistent with the City's legitimate policy of encouraging a pedestrian friendly and walkable center in the Lincoln Heights area. Therefore, this ordinance must go into effect immediately to prevent any development rights from vesting and preserve the City's ability to process applications under valid codes.

PASSED by the City Council on JANUARY 29, 2024

Bobby Wilkerson  
Council President

Attest:

Yvonne Efferts  
City Clerk

Approved as to form:

[Signature]  
ASST City Attorney

Lisa Brown  
Mayor

2/6/24  
Date



January 29, 2024  
Effective Date