

## SUMMARY and FISCAL NOTE\*

<b>Department:</b>	<b>Dept. Contact:</b>	<b>CBO Contact:</b>
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*\* Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

### **1. BILL SUMMARY**

**Legislation Title:** AN ORDINANCE relating to land use and zoning; updating regulations for rooftop features in the Pioneer Square Preservation District; and amending Sections 23.49.008 and 23.66.140 of the Seattle Municipal Code.

**Summary and Background of the Legislation:** The legislation clarifies and corrects standards for permissible rooftop features and uses downtown and in the Pioneer Square Preservation District.

- This bill allows rooftop features to have both common recreation areas and eating and drinking establishments in newer buildings in Pioneer Square, and clarifies which coverage limits apply to them.
- The legislation increases permissible heights in Pioneer Square from 12 feet to 15 feet above rooftops for rooftop penthouses, including on historic-contributing buildings. Such uses and heights would continue to be subject to site-specific evaluation by the Pioneer Square Preservation District Board as part of a permitting process, to ensure their compatibility with the District. No increase in roof coverage would be associated with this change.
- The legislation accommodates an eating and drinking establishment use to be permitted in covered or enclosed recreational spaces of buildings built in Pioneer Square since 2008. This would apply to approximately 11 properties in Pioneer Square, including existing buildings, vacant properties, and properties currently with non-historic contributing buildings that could be subject to future development. No increase in height limit would be associated with this change, but a 5 percent increase in roof coverage allowing a total of 50% roof coverage by these uses is proposed.

A variety of rooftop penthouse uses, including eating and drinking establishments, is already allowed in most other Downtown zones, but only for certain rooftop spaces in Pioneer Square as was authorized in Ordinance 126600. The proposal would slightly broaden this opportunity in Pioneer Square to be allowed in rooftop recreational spaces in buildings built since 2008 or future new buildings, allowing additional economic activity in keeping with the historic character of the neighborhood.

### **2. CAPITAL IMPROVEMENT PROGRAM**

**Does this legislation create, fund, or amend a CIP Project?**       Yes  No

### 3. SUMMARY OF FINANCIAL IMPLICATIONS

**Does this legislation amend the Adopted Budget?**                       Yes  No

**Does the legislation have other financial impacts to The City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?**

No. Implementing the proposal could generate additional business activity in 2023 that would generate tax revenues and aid customer visits and economic activity in the Pioneer Square neighborhood. This could complement other similar activity that is already under review, with similar investments in lodging and entertainment uses in Pioneer Square. Permit applications, including those with review by the DON Historic Preservation Office, would not be significantly changed and no staff costs are anticipated.

**Are there financial costs or other impacts of *not* implementing the legislation?**

No.

### 4. OTHER IMPLICATIONS

**a. Does this legislation affect any departments besides the originating department?**

Rooftop features are mostly of interest to SDCI and DON in their reviews of new buildings in Pioneer Square. Both departments have collaborated on the legislation.

**b. Is a public hearing required for this legislation?**

Yes. It would occur during the City Council's deliberations on the proposal.

**c. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**

Yes. Notices will be published in the DJC and the City's Land Use Information Bulletin.

**d. Does this legislation affect a piece of property?**

As noted above, approximately 11 properties could benefit from the accommodation of eating and drinking establishments in recreational spaces in buildings 15 years old or younger, of which 5 properties contain existing buildings. In such buildings, the permissible site coverage would increase by 5 percent, but the height limit of these uses would not change.

**e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?**

This legislation would not adversely impact vulnerable or historically disadvantaged communities or perpetuate race and social justice inequities. A language access plan for communications is not warranted beyond those already in use by SDCI and DON as part of their permit processes.

**f. Climate Change Implications**

**1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?**

Recent and ongoing updates to the Seattle Energy Code will continue to help reduce carbon emissions into the air by affecting fuel use and use of electricity in many future new buildings. For example, space heating and hot water heating for many residential uses would be less often achieved by natural gas use. With respect to the current proposal, the differences relate to allowing 3 feet more height for rooftop spaces than under the current code. Also, it would allow use of another already-allowed type of roof penthouse to be occupied by eating and drinking establishments in addition to other recreational uses. This was already evaluated for the 2022 rooftop features, for which no likelihood of increased carbon emissions was identified. Other “green” requirements relating to satisfying the requirements of this kind of rooftop space would continue to be required.

**2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle’s resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.**

The proposed minor clarifications in height and use for rooftop penthouses in Pioneer Square would not make a tangible difference in overall resiliency of the neighborhood or city as a whole.

**g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program’s desired goal(s)?**

This proposal does not introduce a new program or initiative.

**Summary Attachments:**

Summary Attachment 1 – Map of eligible Pioneer Square Preservation District sites for new construction rooftop features amendment