

Director's Report and Recommendation Pioneer Square Rooftop Features Cleanup Amendments

Summary of Proposal

The current proposal would amend various provisions of the Land Use Code addressing rooftop features in the Pioneer Square neighborhood of Downtown Seattle. This includes amendments that would correct and amend provisions that were previously made in Ordinance 126600. The new amendments clarify and slightly expand the height provisions and range of use options for certain penthouse uses and recreational spaces on rooftops in Pioneer Square.

The current proposal would:

- Increase height allowances for rooftop penthouse features in the Pioneer Square Preservation District from 12 feet to 15 feet, to increase consistency with similar provisions in other Downtown zones; this affects heights for penthouses with residential, office, lodging, and eating and drinking establishments.
- Clarify that lodging uses' rooftop penthouse additions may include accessory uses such as dining areas, and eating and drinking establishments. This is meant to avoid confusion about the ability to allow the presence of a combination of such uses as part of a principal lodging use.
- Allow for eating and drinking establishments to be a commercial use located within rooftop recreational spaces already accommodated by the Land Use Code on new buildings and buildings built since January 2008. This removes a prohibition against such commercial uses in the current code text, and it also allows placement of accessory mechanical equipment on top of these spaces if needed to support these uses.
- Correct a discrepancy between rooftop features guidance in Section 23.49.008 pertaining to all Downtown zones and the subset of Downtown zones located in the Pioneer Square Preservation District. This clarifies that the relevant coverage limits for enclosed or covered rooftop recreational spaces are contained in Section 23.66.140 and not Section 23.49.008.
- Clarify that rooftop recreational spaces already accommodated by the Land Use Code on new or existing buildings built since 2008 may have covered spaces as well as enclosed spaces, and that covered and enclosed spaces should both be counted and documented for permit reviews.
- Clarify that height allowances for elevators serving rooftop recreational spaces, and other related coverage limits and setbacks also apply to eating and drinking establishment uses in such spaces. The proposal also increases the roof coverage limit for this kind of rooftop use by 5%, to a total of 50%, matching the coverage allowed for other rooftop

penthouse use types in Pioneer Square.

Background and Purpose

The City Council adopted Ordinance 126600 in 2022 which, in part, allowed more rooftop coverage in most zones across the city to accommodate more mechanical equipment to meet Energy Code requirements. For Pioneer Square, the prior amendments also defined new opportunities for rooftop penthouse uses to include lodging uses, eating and drinking establishments, and retrofitting of recreational spaces on roofs of existing buildings built since January 2008. This gave more flexibility in use to encourage new investment, customer visits, and economic activity in existing buildings in Pioneer Square, to aid neighborhood revitalization efforts.

Rooftop requirements in the Land Use Code primarily relate to height and coverage limits

Seattle's Land Use Code measures height limits for the main physical bulk of a building from ground level to roof level. Because other rooftop features serving a building, like the penthouse above an elevator, skylights, and mechanical equipment must sit on top of a roof, the Land Use Code allows them to be located above the height limit so that the main portion of the building can reach the intended maximum height set by the zoned height limit. The code sets the terms for how high those rooftop features can be and what percentage of a rooftop they can cover. These terms have evolved over many years to recognize that certain features need to be taller, sometimes up to 15 feet above the height limit or more, to work properly. The intent is to allow those necessary rooftop features to be present but avoid having them appear to add significant bulk to a building.

The Land Use Code allows the presence of a diverse range of uses on rooftops. For residential uses, recreational amenity features like decks and entertainment rooms may be provided. It also allows features such as solar power systems, antennas, and greenhouses, to name a few.

Analysis

This section describes the rationale for the proposed amendments in this 2023 legislation.

Intent of the 2023 proposal

The overall intent of the proposed amendments is to:

- Correct and clarify provisions of codes relating to rooftop uses in the Pioneer Square Preservation District, with respect to amendments previously made in Ordinance 126600 in particular:
 - Adjust height limits upward by 3 feet for certain rooftop features, increasing them from 12 feet to 15 feet in height in the Pioneer Square neighborhood.
 - Add a new capability to have eating and drinking establishments located in rooftop recreational spaces located on new buildings or buildings built since 2008 in the Pioneer Square Preservation District. This is meant to add support for these uses to occur in more buildings and add to the neighborhood's economic activity and revitalization.

Three-foot increase in permissible height for rooftop penthouse uses

The prior amendments for Pioneer Square had maintained a 12-foot height allowance for penthouse uses, following past limits set for office and residential penthouses. The probable past reasoning for this allowance and setback provisions related to limiting the chances of penthouse additions being visible from surrounding locations.

Going forward, a 12-foot height above roof elevation for these uses might prove to be too limiting of building and mechanical system design or other future code requirements. The proposal would adjust this penthouse height allowance up to 15 feet, which is a frequently-used height allowance in other zones throughout the city, including Downtown zones. This would result in a greater standardization of roof feature height allowances, with a modest 3 foot increase in height allowances for certain kinds of penthouses on existing buildings in Pioneer Square. The difference in maximum height capability and related potential for visibility of rooftop features would continue to be addressed by the Pioneer Square Preservation District Board's review of proposed penthouse additions, which includes site-specific analysis. This means there is little or no chance of an adverse outcome related to land use compatibility or visual impacts due to historic building rooftop additions.

Eating and drinking establishments in rooftop recreational spaces on newer buildings

This type of rooftop feature for recreational space is a distinct category of Pioneer Square rooftop use addressed by the Land Use Code. The proposal would increase the diversity of possible uses that may occur in these spaces, to include a commercial use – eating and drinking establishments. This use is different than the typical range of accessory recreational uses contemplated by the existing code, which may include spaces for active recreation, or passive recreation like group dinners and socializing.

While similar in nature to dinners and socializing by building occupants, this new kind of eating and drinking establishment use would likely accommodate an increased activity level, with customers, and entertainment and outdoor activities on rooftops being possible. This might generate spillover potential for noise received by other nearby building occupants, as was evaluated in the SEPA environmental review for Ordinance 126600.

Because Ordinance 126600 already has enabled such activities to occur on other existing buildings in Pioneer Square, this is not a wholly new kind of rooftop activity in Pioneer Square. Rather, it would extend the eligibility for this possible activity to a small subset of existing and potential future building sites in the neighborhood. These are identified in the attached figure (“Eligible Pioneer Square Preservation District sites for new construction rooftop features amendment”).

This subset of proposed rooftop recreational space amendments are written to apply only to the category of future new buildings or existing buildings built since 2008. The existing 15-foot height limit and coverage limit for these recreational spaces would continue to be 15 feet. So, this would not result in any additional height scaling of these uses on building rooftops in Pioneer Square. Buildings using this provision also must be able to meet existing green building

performance standards, a “green factor” landscaping requirement, and code-defined rooftop coverage limits. A proposed increase of 5% in coverage limit for this use would accommodate the counting of covered as well as enclosed spaces, and match the level of coverage given by the code for other rooftop penthouse uses in Pioneer Square.

The City allows for many potential uses to be located on rooftops with limits already prescribed in the Land Use Code regarding heights and setbacks. Evaluation of future proposals of these enclosed spaces would continue to be the responsibility of the Pioneer Square Preservation District Board, who would consider if a given proposal might create any concerns about localized impacts. Design details and other site characteristics would be relevant to a particular development proposal's review, which would be evaluated for their sufficiency by the Board, to minimize these potential impacts.

Comprehensive Plan Policies

Land Use Element

Policy LU-5.4: Use maximum height limits to maintain the desired scale relationship between new structures, existing development, and the street environment; address varied topographic conditions; and limit public view blockage. In certain Downtown zones and in Industrial zones, heights for certain types of development uniquely suited to those zones may be unlimited.

Policy LU-5.5: Provide for residents' recreational needs on development sites by establishing standards for private or shared amenity areas such as rooftop decks, balconies, ground-level open spaces, or enclosed spaces.

Policy LU-5.15: Address view protection through

- *zoning that considers views, with special emphasis on shoreline views;*
- *development standards that help to reduce impacts on views, including height, bulk, scale, and view corridor provisions, as well as design review guidelines; and*
- *environmental policies that protect specified public views, including views of mountains, major bodies of water, designated landmarks, and the Downtown skyline.*

Land Use Element – Commercial/Mixed-Use Areas

Policy LU-9.15: Allow limited exceptions to the height limit in order to accommodate ground-floor commercial uses or special rooftop features, encourage development of mixed-use structures, enable structures to function appropriately, accommodate special features consistent with the special character or function of an area, or support innovative design that furthers the goals of this Plan.

Public Outreach and Notice

For the prior rooftop features ordinance, opportunities for public input included a discussion at the Construction Codes Advisory Board (CCAB) on August 5, 2021. Members of CCAB expressed support for the proposed updates of the rooftop coverage limits. The prior proposal was also discussed during the Pioneer Square Preservation Board meeting held on October 20, 2021. The Council adopted the legislation on June 14, 2022 and no appeal was raised.

A public hearing on the proposed legislation will occur at the Council's Land Use Committee. Additional opportunities to provide input will occur as the City Council deliberates on the current proposal.

Recommendation

The SDCI Director recommends that the Mayor send the legislation to City Council for their approval, to correct and update rooftop feature regulations pertaining to the Pioneer Square Preservation District in the Land Use Code. This would slightly expand provisions related to new height and use options for penthouse and recreational spaces on rooftops in Pioneer Square.