

## FISCAL NOTE FOR NON-CAPITAL PROJECTS

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>CBO Analyst/Phone:</b>
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**Legislation Title:** AN ORDINANCE relating to land use and zoning, amending Sections 23.49.011, 23.49.013, 23.49.014, and 23.49.181 of the current Seattle Land Use Code (SMC, Title 23) of the Seattle Municipal Code, to correct omissions from previous amendments and facilitate the use of incentive provisions within the Downtown Harborfront 2 (DH2) zone and the Pioneer Square Mixed (PSM) 85-120 zone.

### **Summary of the Legislation:**

The proposed legislation includes minor amendments to Section 23.49.011, 23.49.013, 23.49.014, and 23.49.181 of the Downtown Chapter of the City's Land Use Code (SMC, Title 23) to correct omissions and facilitate the use of incentive provisions within two downtown zones, the Downtown Harborfront 2 (DH2) zone and the Pioneer Square Mixed (PSM) 85-120 zone.

### **Background:**

The changes to 23.49.011, 23.49.013, and 23.49.014 would exempt residential use in the DH2 zone from FAR calculations and reestablish incentive provisions for nonresidential uses to enable projects to gain the extra floor area permitted above the current base FAR limit. Previous Code amendments (Ordinance #120443) inadvertently eliminated the original provisions that regulated how projects could gain extra floor area above the base FAR without providing any alternative mechanism. Section 23.49.011 Floor area ratio would be amended to include the DH2 zone among the other downtown zones that exempt residential use from FAR calculations, thereby making it unnecessary for residential development to use incentives to gain extra floor area. Sections 23.49.011 Floor area ratio, 23.49.013 Bonus floor area for amenities and 23.49.014 Transfer of development rights would also be amended to include the DH2 zone among the other downtown zones where non-residential uses must achieve extra floor area above the base FAR through the use of incentives established in the Downtown Code.

Section 23.49.181 Bonus floor area for affordable housing in the PSM 85-120 zone applies to a specific mapped area within the PSM 85-120 zone in the Pioneer Square Special Review District, and establishes the affordable housing bonus provisions that enable development in this mapped area to gain added height and extra residential floor area. The amendments to Section 23.49.181 are intended to accomplish the following:

- Clarify that the starting point for a 50-year affordability term attaches to the structure in which the affordable housing is provided, rather than the structure proposing to use the bonus floor area; and
- Remove an existing cap on the number of off-site units that can satisfy City-required developer contributions to affordable housing.

Please check one of the following:

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

**This legislation has financial implications.**

**Appropriations:**

Not applicable

**Anticipated Revenue/Reimbursement Resulting from this Legislation:**

Not applicable

**Total Regular Positions Created, Modified, or Abrogated through this Legislation, Including FTE Impact:**

Not applicable

**Do positions sunset in the future?**

Not applicable

**Spending/Cash Flow:**

Not applicable

**Other Implications:**

**a) Does the legislation have indirect financial implications, or long-term implications?**

Not applicable

**b) What is the financial cost of not implementing the legislation?**

No financial costs would result from not implementing the legislation. However, it is necessary to amend provisions in the DH2 zone to allow the use of properties as intended under the current Code. Property owners intending to move forward with plans to redevelop sites will likely seek action from the City to redress the matter.

**c) Does this legislation affect any departments besides the originating department?**

The legislation would not result in additional work for other departments that would be involved in the review of projects subject to the Land Use Code provisions that would be affected by the amendments.

**d) What are the possible alternatives to the legislation that could achieve the same or similar objectives?**

Not applicable

**e) Is a public hearing required for this legislation?**

A public hearing before the City Council is required for this legislation. The hearing has not yet been scheduled

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

Notice of the public hearing in the Daily Journal of Commerce is required. A notice of a land use code text amendment and determination of non-significance, as required under SEPA, will be published on August 30, 2012 in the DPD Land Use Information Bulletin and the Daily Journal of Commerce.

**g) Does this legislation affect a piece of property?**

The legislation affects development standards that would apply to properties within two downtown zones, the DH2 zone and a mapped area within the PSM 85-120 zone. The locations of these zones are shown on Attachment A: Location of Zones

**h) Other Issues:**

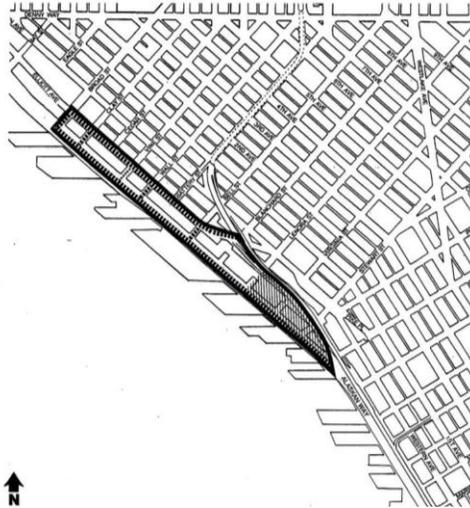
None

**List attachments to the fiscal note below:**

Attachment A: Location of Zones

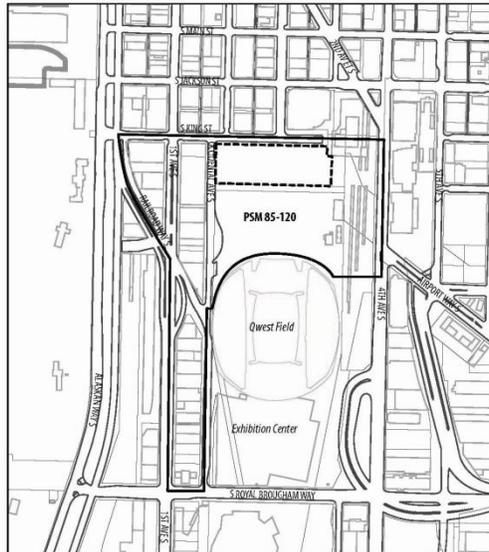
## ATTACHMENT A: Location of Zones

The maps are intended for illustrative or informational purposes only and not intended to modify anything in the legislation



Downtown Harborfront 2 (DH2) zone

### Map for 23.49.180



Area where additional height is permitted according to the provisions of Section 23.49.180 of the Seattle Municipal Code

PSM 85-120 Zone