

SUMMARY and FISCAL NOTE*

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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; amending Sections 23.44.012, 23.44.046, 23.45.514, 23.45.545, 23.47A.012, 23.47A.013, 23.48.025, 23.48.231, 23.49.008, 23.49.046, 23.49.096, 23.49.148, 23.49.324, 23.50.020, 23.66.140, 23.66.332, and 23.75.110 of the Seattle Municipal Code.

Summary and Background of the Legislation: The legislation updates standards for rooftop features to better accommodate mechanical equipment (like heat pumps) needed in new buildings to meet new Energy Code requirements. This will aid in the design and permitting of new buildings in ways that will support the City’s carbon neutrality goals.

The legislation will increase rooftop percent coverage allowances for new buildings in most of the City’s zones, for rooftop equipment and enclosed areas between 4 and 15 feet above the roof. These kinds of features can legally extend above the height limit that is measured at the roof’s surface elevation.

The legislation updates the Land Use Code to accommodate the amount of needed rooftop equipment to rely more on cleaner technologies and less on gas as an energy source. This means that greater quantities of features such as heat pumps may need to be placed on building rooftops than in past development. The legislation also helps accommodate options for other beneficial rooftop uses to be present, such as rooftop recreational amenities for building residents.

The legislation updates rooftop coverage and use allowances in the Pioneer Square and Chinatown/International District (CID) zones to give more flexibility and opportunity for greenhouse additions in both neighborhoods and defines new options for penthouse uses and recreational spaces on rooftops in Pioneer Square.

The legislation includes the following:

An increase in rooftop coverage limits for rooftop features ranging from 4 to 15 feet above rooftops. The allowed increase would be +10% of roof area above existing limits in most zones. No changes in maximum height limits of roof features are proposed. The changes will (see summary table in attached Exhibit A):

- Increase the percent coverage limit by 10%, from 25% to 35%, for buildings in Midrise, Highrise, Commercial, Neighborhood Commercial, and Yesler Terrace zones (and to 30% in Lowrise zones).

- Increase the percent rooftop coverage limit by 15%, from 20% to 35%, for buildings in Industrial and Seattle Mixed zones.
- Increase the percent rooftop coverage limit by 20%, from 55% to 75%, for residential tower buildings in Downtown zones taller than 120 feet. For most other Downtown buildings, the coverage limit is increased by 15%, from 35% to 50% coverage.
- Increase the percent coverage limit option by 10%, from 15% to 25% in the Pioneer Square and Chinatown/International District (CID) zones. With approval of the special review district board, rooftop coverage up to 35% would be possible.
- Maintain three existing varieties of coverage limits that vary by zone:
 - 1) **Percent-coverage limit**, as summarized above;
 - 2) **Higher allowance when a greenhouse is present**, up to 60% in most zones, and up to 45% in Chinatown/ID (newly added by this legislation) and Pioneer Square;
 - 3) **“Screening and roof edge setback” limit** with screening of mechanical equipment and features near roof edges no taller than 5 feet. This allows up to 75% rooftop coverage for buildings greater than 120 feet in Midrise, Highrise, Seattle Mixed, Commercial, Neighborhood Commercial and Yesler Terrace zones.
- Add lodging and eating and drinking establishments as new kinds of penthouse uses on rooftops in Pioneer Square zones. This could occur on buildings 40 feet or taller. Currently, the code identifies only residential and office types of rooftop penthouse uses for historic-contributing buildings. The legislation also allows enclosed recreation spaces to be retrofitted on roofs of non-historic buildings built since 2008.
- Increase consistency in the use of terms and in the list of what is counted toward rooftop coverage limits for most zones. This should increase clarity and usability of the rules.
 - Update and add terms such as “covered or enclosed common recreation areas” and “eaves and canopies.”
 - Clarify references to wind power, solar power equipment, and greenhouses.
 - Consistently list the features counted toward the coverage limit.
 - Correct and simplify text organization.
- Remove a permitting barrier for solar collectors by discontinuing a Director’s Rule with outdated minimum efficiency requirements that add costs and discourage solar collector installation in Lowrise and Neighborhood Residential (formerly Single Family) zones.

2. CAPITAL IMPROVEMENT PROGRAM

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

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? ___ Yes X 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.

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?

No effects are identified. Rooftop features and the Energy Code are mostly of interest to SDCI in its reviews of new buildings.

b. Is a public hearing required for this legislation?

Yes. It would occur during the City Council’s deliberations on the proposal. The proposal was discussed at a meeting of the Construction Codes Advisory Board (CCAB) on August 5, 2021, which was a public meeting. The committee expressed support for 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?

The legislation affects numerous properties in many zones across the city, although most Neighborhood Residential zoned properties would not be affected. A portion of the legislation changes height and use allowances related to rooftops in the Pioneer Square Preservation District. This could positively affect properties in Pioneer Square, some of which are subject to pending permit reviews, by newly allowing uses such as eating and drinking establishments and lodging-related uses on rooftops in the Pioneer Square neighborhood. Other properties in this neighborhood could also benefit from these changes in the future, if future applicants seek to remodel, expand or change uses in existing buildings through renovations and rooftop additions.

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?

No, this legislation would not adversely impact vulnerable or historically disadvantaged communities or perpetuate race and social justice inequities.

- The proposal would result in increases to rooftop coverage that are kept approximately the same or similar in terms of percentage increase in limits, and percent of rooftop coverage allowed, with a proportional but slightly lower amount of coverage in lower density zones such as Lowrise.
- Higher levels of rooftop coverages are allowed to continue and increase primarily in Downtown and the other densest zones that are mostly located in Urban Centers.
- No particular negative or disproportionate effects or inequities are identified for this proposal. The proposal affords similar positive adjustments in allowances across most zones in the city, which should not hinder any future development type such as affordable housing, for example.
- Similarly, the proposal is not likely to result in disproportionate effects like view blockage or increased density upon any given area that may have disadvantaged communities. The proposal does not increase the total height possible in future new buildings in any zone category.
- The proposal does not introduce new restrictive regulatory obligations. Rather it clarifies and tends to make the achievement of consistency with requirements easier and more flexible, and preserves building design options for rooftops. This would help avoid affecting new building outcomes in ways that could unfairly burden one type of building or potential user population of a new building.
- The code becomes more specific for the Chinatown/International District (and Pioneer Square) to indicate that greenhouses on rooftops are a possible use with a specific coverage limit that fits within the other code rules of these special review districts. This could positively influence future development by informing building designers and the community that such features are possible. Greenhouses on roofs could be an asset to individuals and communities living in these neighborhoods, for activities such as cultivating food crops and other plants as sustainable food sources, and recreational and community benefit. The current code has an allowance for greenhouses in a Downtown code section, but it is difficult for the code user to identify its relationship to these neighborhoods. Also, the proposal revises other language that is potentially restrictive of greenhouses (limiting them only for food production) for clarity and flexibility. The same benefits would accrue by related code changes in most other zones' regulations as well.

f. Climate Change Implications

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

The recently updated Seattle Energy Code, related to this proposal, would help reduce carbon emissions to 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 and more often by other methods, which

may include heat pump technologies. The legislation would help to ensure these technologies can be sufficiently designed and located in and on buildings within City code requirements. Other edits encourage more use of solar collectors in Neighborhood Residential and Multifamily zones by removing extra improvement requirements that are now outdated and can be deleted from the Land Use Code. Thus, it will help support actions and features in new buildings that will increase energy efficiency and decrease the amount of carbon emissions that would otherwise be released to the environment from future new development.

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 factors discussed above in f.1 also support resiliency, due to the clarifications of rooftop greenhouse use possibilities in several zones, including most of the zones that allow commercial, industrial, and mixed-use development with moderate to high densities. Also, revisions to phrasing would improve code clarity and eliminate unintentional restrictiveness on building new greenhouses, which supports the original intent of past sustainability legislation about greenhouses. Recent planning trends have emphasized the role that greenhouses in urban areas can play in supporting food production and aiding air quality.

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 Exhibit A – Proposal Summary Table

Summary Exhibit A
Proposal Summary Table

Maximum rooftop coverage limit for features exceeding height limit more than 4 ft.	Proposed percent increase
Percent-rooftop-coverage limit option	
Up to 30% in LR	+10%
Up to 35% in MR, HR, C, NC, Yesler Terrace	+10%
Up to 35% in SM and Industrial	+15%
Up to 75% for Downtown residential towers,* and 50% for other Downtown buildings	+15-20%
Up to 25% for buildings in Pioneer Square and Chinatown/I.D. zones	+10%
Greenhouse limit option	
<i>For any building height category</i>	
Up to 60% in most zones, for buildings with a rooftop greenhouse present	+10%
Up to 45% in Pioneer Square and Chinatown/I.D. zones	Newly allowed
Screening and roof-edge setback limit option	
<i>For buildings exceeding 120 feet in height</i>	
Up to 75% in buildings with screened/enclosed mech. equipment, and with limits on rooftop features near roof edge, in SM, HR, C, NC, Yesler Terrace zones	+10%
<i>For buildings less than 120 feet in height</i>	
Up to 75% in buildings with screened/enclosed mech. equipment, and with limits on rooftop features near roof edge, in SM zones	+10%

* Downtown residential towers exceed 65-85 feet height, and usually approach the zoned maximum height limit.