

**Substitute Version (v.5) of Council Bill (CB) 117379**

YELLOW

Sponsor: Clark  
Full Council, January 30, 2012

***Roosevelt Legislative Rezone***

CB 117379 is a Council-generated bill that would adopt a package of legislative rezones in the Roosevelt Residential Urban Village. Version 4 of CB 117379 passed out of the Committee on the Built Environment on December 14, 2011. This substitute version (v. 5) would revise CB 117379 as follows:

- Modify the setback requirements for the “high school blocks” (the area bounded by NE 65<sup>th</sup> Street, 15<sup>th</sup> Avenue NE, NE 66<sup>th</sup> Street, and 12<sup>th</sup> Avenue NE) that would be added to Seattle Municipal Code (SMC) Section 23.47A.009. The proposed modifications are shown in the table below.

Street	CB 117379, Version 4 <i>COBE Legislation</i>	CB 117379, Version 5 <i>Full Council Legislation</i>
14 <sup>th</sup> Avenue NE	Average: 10' Minimum: 5' Upper Level*: Minimum of 4'	Average: 15' Minimum: 5' Upper Level*: Minimum of 3'
NE 66 <sup>th</sup> Street	Average: 10' Minimum: 5' Upper Level*: Minimum of 4'	Average: 10' Minimum: None Upper Level*: Minimum of 4'
Brooklyn Avenue NE	Average: 10' Minimum: 5' Upper Level*: Minimum of 4'	Average: 5' Minimum: None Upper Level*: Minimum of 4'
15 <sup>th</sup> Avenue NE	Average: 10' Minimum: 5' Upper Level*: Minimum of 4'	Minimum: 5' Upper Level*: Average of 7'
NE 65 <sup>th</sup> Street	Minimum: 8'	Average: 8'
12 <sup>th</sup> Avenue NE	None	Average: 8'

\* Upper level setbacks are in addition to required minimum ground level setbacks. Upper level setbacks begin at a height of 45' from grade.

- Add language to SMC 23.47A.009 that clarifies how average setbacks are measured.
- Replace Exhibit A, Roosevelt Legislative Rezone Area Map, with a new version that corrects a small zoning boundary line error. The error affected one parcel on the south side of NE 66<sup>th</sup> Street, between 8<sup>th</sup> Avenue NE and Roosevelt Way NE. The previous version of the map incorrectly placed the parcel in a Neighborhood Commercial 3 zone with a pedestrian overlay and an 85 foot height limit (NC3P-85). The new version of the map accurately locates the parcel in an NC3-65 zone.
- Remove duplicate SMC amendments that also appeared in Ordinance 12790, the West Seattle Junction rezone legislation passed by the Full Council on December 19, 2011.
- Implement minor technical edits.
- Add language to the fiscal note related to the application of incentive zoning in the rezone area.

The above changes are shown on the attached copy of CB 117379 in double underline and ~~double strikethrough~~.

Yellow

**ORDINANCE \_\_\_\_\_**

AN ORDINANCE relating to land use and zoning, establishing a new Station Area Overlay District, amending general locational criteria for single family zones, expanding an existing pedestrian zoning designation, amending Seattle Municipal Code sections 23.34.010, 23.47A.005, and 23.47A.009, and amending the Official Land Use Map, Chapter 23.32, at pages 43 and 60 to rezone areas within the Roosevelt Residential Urban Village.

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. The Official Land Use Map, Chapter 23.32 of the Seattle Municipal Code, is amended to rezone properties located on page 43 and page 60 of the Official Land Use Map, as shown on Exhibits A and B attached to this Ordinance.

Section 2. Section 23.34.010 of the Seattle Municipal Code, last amended by Ordinance 123495, is amended as follows:

**23.34.010 Designation of single-family zones**

\* \* \*

B. Areas zoned single-family or RSL that meet the criteria for single-family zoning contained in subsection B of Section 23.34.011 and that are located within the adopted boundaries of an urban village may be rezoned to zones more intense than Single-family 5000 if all of the following conditions are met:

1. A neighborhood plan has designated the area as appropriate for the zone designation, including specification of the RSL/T, RSL/C, or RSL/TC suffix, if applicable;

2. The rezone is:

a. To a Residential Small Lot (RSL), Residential Small Lot-Tandem (RSL/T), Residential Small Lot-Cottage (RSL/C), Residential Small Lot-Tandem/Cottage (RSL/TC), Lowrise 1 (LR1), Lowrise 1/Residential-Commercial (LR1/RC), or



- 1 i. Museum;
- 2 j. Community clubs or centers;
- 3 k. Religious facility;
- 4 l. Library;
- 5 m. Elementary or secondary school;
- 6 n. Parks and open space.
- 7 o. Arts facility in the Pike/Pine Conservation Overlay District;
- 8 p. Automotive retail sales and service uses in the Pike/Pine Conservation

9 Overlay District, if located within an existing structure. The establishment of any such use is  
10 subject to the applicable use provisions of this title.

11 2. The following streets are principal pedestrian streets when located within a  
12 pedestrian-designated zone:

- 13 10th Avenue;
- 14 11th Avenue;
- 15 12th Avenue;
- 16 13th Avenue (between East Madison Street and East Pine Street);
- 17 15th Avenue East;
- 18 15th Avenue Northwest;
- 19 22nd Avenue Northwest;
- 20 23rd Avenue;
- 21 24th Avenue Northwest;
- 22 25th Avenue Northeast;
- 23 Beacon Avenue South;
- 24 Boren Avenue;
- 25 Boylston Avenue;
- 26
- 27
- 28

- 1 Broadway;
- 2 Broadway East;
- 3 California Avenue Southwest;
- 4 East Green Lake Drive North;
- 5 East Madison Street;
- 6 East Olive Way;
- 7 East Pike Street;
- 8 East Pine Street;
- 9 East Union Street;
- 10 East Union Street (from Broadway to East Madison Street only);
- 11 Eastlake Avenue East;
- 12 First Avenue North;
- 13 Fremont Avenue North;
- 14 Fremont Place North;
- 15 Greenwood Avenue North;
- 16 Lake City Way Northeast;
- 17 Madison Street;
- 18 Martin Luther King Jr. Way South;
- 19 Mercer Street;
- 20 North 45th Street
- 21 North 85th Street;
- 22 Northeast 43rd Street;
- 23 Northeast 45th Street;
- 24 Northeast 65<sup>th</sup> Street;
- 25 Northeast 125th Street;

1 Northwest 85th Street;  
2 Northwest Market Street;  
3 Pike Street;  
4 Pine Street;  
5 Queen Anne Avenue North;  
6 Rainier Avenue South;  
7 Roosevelt Way Northeast;  
8 Roy Street;  
9 South Alaska Street;  
10 South Henderson Street;  
11 South Lander Street;  
12 South McClellan Street;  
13 South Othello Street;  
14 Southwest Alaska Street;  
15 Summit Avenue;  
16 Terry Avenue;  
17 University Way Northeast;  
18 Wallingford Avenue North; and  
19 Woodlawn Avenue Northeast.

20 Section 4. Section 23.47A.009 of the Seattle Municipal Code, last amended by ~~the~~  
21 Ordinance introduced as Council Bill 117294~~123790~~, is amended as follows:

22 **23.47A.009 Standards Applicable to Specific Areas**

23 ~~A. Resolution of Standards Conflicts. In the event there is a conflict between this~~  
24 ~~subsection 23.47A.009 and other sections of Title 23, the provisions of this subsection shall~~  
25 ~~apply.~~

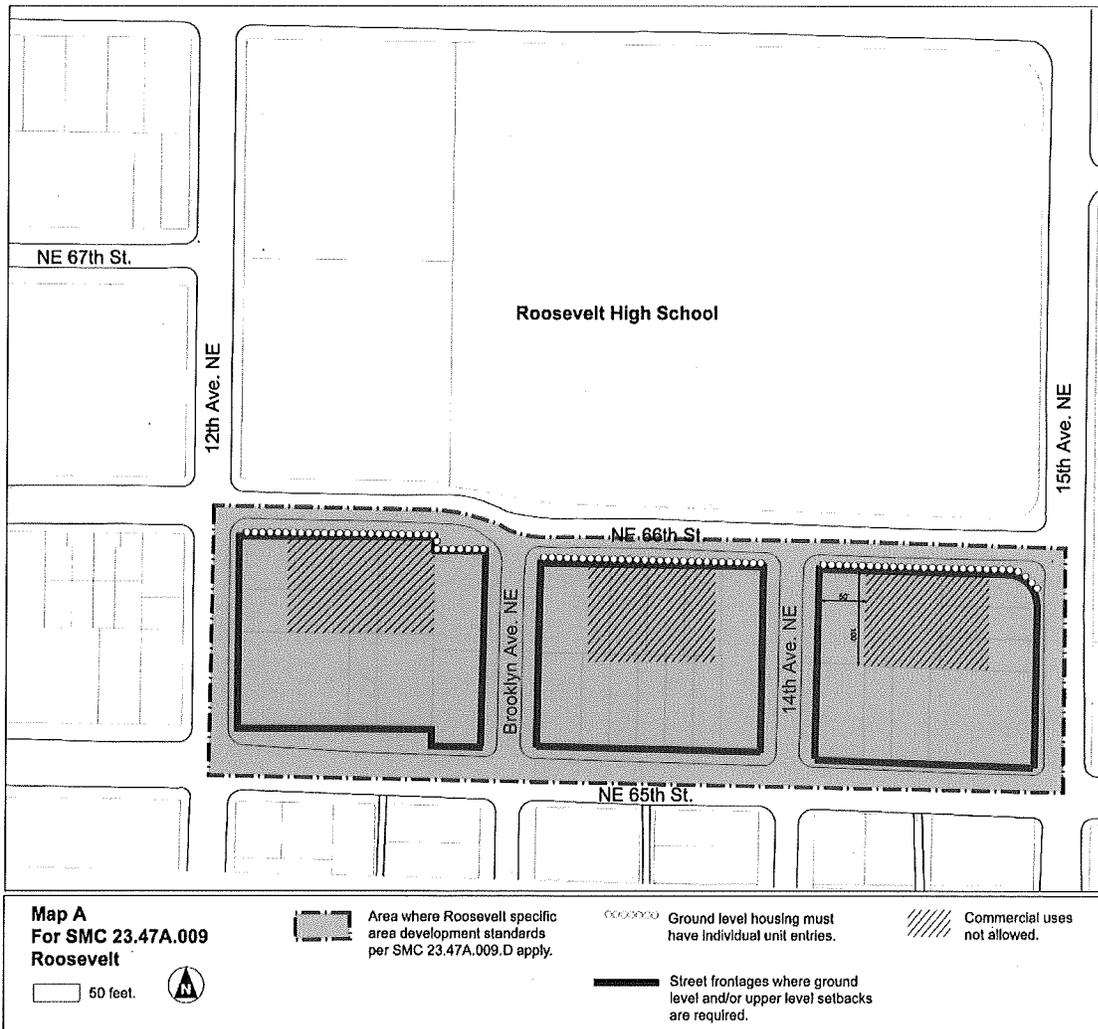
1  
2 ~~B. West Seattle Junction Hub Urban Village. The following provisions apply to~~  
3 ~~development in the NC3-85 (4.75) zone.~~

4 \* \* \*

5 ((B))C. Reserved.

6 \* \* \*

7 D. Roosevelt Urban Village. The following provisions apply within the area shown on  
8 Map A for SMC 23.47A.009.



1                   1. Setback Requirements.

2                                   a. The following setbacks are required from the listed street property lines  
3 ~~of Northeast 66<sup>th</sup> St., Brooklyn Ave. Northeast, 14<sup>th</sup> Ave. Northeast, and 15<sup>th</sup> Ave. Northeast:~~

4   1) Northeast 66<sup>th</sup> Street. An average ground level setback of 10  
5 feet along the length of the street property line and a minimum upper level setback of 4 feet. The  
6 minimum upper level setback shall be provided in addition to the required ground level setback  
7 at all points along the length of the street property line at 45 feet of height and above, as  
8 measured from finished grade.

9   2) Brooklyn Avenue Northeast. An average ground level setback  
10 of 5 feet along the length of the street property line and a minimum upper level setback of 4 feet.  
11 The minimum upper level setback shall be provided in addition to the required ground level  
12 setback at all points along the length of the street property line at 45 feet of height and above, as  
13 measured from finished grade.

14   3) 14<sup>th</sup> Avenue Northeast. An average ground level setback of 15  
15 feet and a minimum ground level setback of 5 feet along the length of the street property line and  
16 a minimum upper level setback of 3 feet. The minimum upper level setback shall be provided in  
17 addition to the required ground level setback at all points along the length of the street property  
18 line at 45 feet of height and above, as measured from finished grade.

19   4) 15<sup>th</sup> Avenue Northeast. A minimum ground level setback of 5  
20 feet along the length of the street property line and an average upper level setback of 7 feet. The  
21 average upper level setback shall be provided in addition to the required ground level setback at  
22 all points along the length of the street property line at 45 feet of height and above, as measured  
23 from finished grade.



1                                    v.5) Fences no greater than 4 feet in height are permitted in the  
2 required ground level setback, and up to 2 feet of additional height for architectural features such  
3 as arbors or trellises on the top of a fence is permitted. Fence height may be averaged along  
4 sloping grades for each 4 foot long segment of the fence, but in no case may any portion of the  
5 fence exceed 6 feet in height.

6                                    v.6) Underground structures.

7                                    c. Where required setbacks may be averaged, measurement shall be per  
8 SMC 23.86.012.A and the following:~~b. A minimum setback of 8 feet shall be provided along~~  
9 ~~Northeast 65<sup>th</sup> Street, and the setback may include pedestrian access and circulation.~~

10                                   1) Where a building is setback more than 30 feet from a lot line at  
11 ground level, 30 feet shall be used as the ground level setback amount for averaging purposes.

12                                   2) Where averaging is allowed for a required upper level setback,  
13 the measurement shall be taken horizontally from points directly above the lot line to the façade  
14 of the structure at the height where the upper level setback is required.

15                                   2. Landscaping. Required ground level setbacks shall be landscaped, and may  
16 include paving and lighting to enhance pedestrian safety and comfort. Sidewalks, plazas, and  
17 other amenities or landscaped areas approved by the Department of Planning and Development  
18 are permitted in required ground level setbacks.

19                                   3. Limit on Commercial Uses. Commercial uses are prohibited within 80 feet of  
20 the street property line of Northeast 66<sup>th</sup> Street, except within 50 feet of the intersections of  
21 Northeast 66<sup>th</sup> Street with Brooklyn Avenue Northeast, 14<sup>th</sup> Avenue Northeast, 12<sup>th</sup> Avenue  
22 Northeast, and 15<sup>th</sup> Avenue Northeast, as shown on Map A for 23.47A.009.

23                                   4. Housing units on the ground floor. All housing units with a façade that faces  
24 Northeast~~NE~~ 66<sup>th</sup> Street with no intervening housing units or commercial uses between the  
25 housing unit and the Northeast~~NE~~ 66<sup>th</sup> Street lot line, and located on the first floor of a building,  
26

1 shall have the primary pedestrian entrance to each housing unit directly accessible from the  
2 exterior of the structure rather than a primary pedestrian entry through a common entrance  
3 hallway.

4 5. Underground Parking. Parking shall be located below grade, except a portion  
5 of a below-grade garage may extend up to 4 feet above existing or finished grade, whichever is  
6 lower, provided that the parking that extends above grade is fully screened from direct street  
7 view by the street-facing façade of the structure or by landscaping.

8 Section 5. This ordinance shall take effect and be in force 30 days after its approval by  
9 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it  
10 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

11 Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2011, and  
12 signed by me in open session in authentication of its passage this  
13 \_\_\_\_ day of \_\_\_\_\_, 2011.

14 \_\_\_\_\_  
15 \_\_\_\_\_  
16 President \_\_\_\_\_ of the City Council

17  
18 Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2011.

19 \_\_\_\_\_  
20 \_\_\_\_\_  
21 Michael McGinn, Mayor

22  
23 Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2011.

Monica Martinez Simmons, City Clerk

(Seal)

Attachments: Exhibit A – Roosevelt Legislative Rezone Area Map  
Exhibit B – Roosevelt Station Overlay District Map



#1  
CB117377

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Overlay District, if located within an existing structure. The establishment of any such use is subject to the applicable use provisions of this title.

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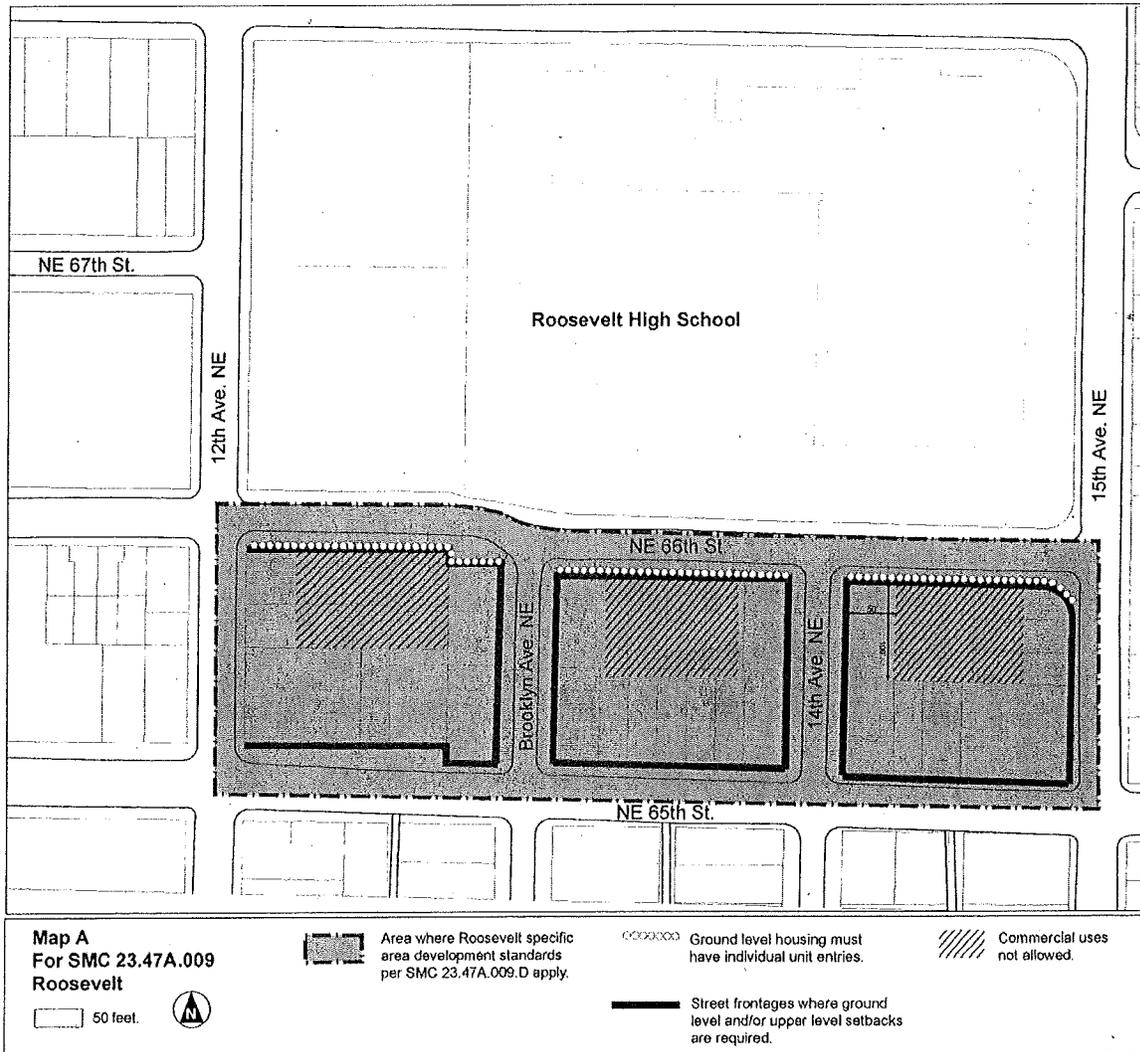
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1                    1. Setback Requirements.

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3 Northeast 66<sup>th</sup> St., Brooklyn Ave. Northeast, 14<sup>th</sup> Ave. Northeast, and 15<sup>th</sup> Ave. Northeast:

4                    1) An average setback of 10 feet along the length of the street  
5 property line;

6                    2) A minimum setback of 5 feet at all points along the length of the  
7 street property line;

8                    3) A minimum upper level setback of 4 feet in addition to the  
9 minimum 5 foot ground level setback provided at all points along the length of the street  
10 property line at 45 feet of height and above as measured from finished grade.

11                    4) Structures permitted in required setbacks are:

12                    i. Decks with open railings may project up to 5 feet into the  
13 required setback area if they are no lower than 20 feet above existing or finished grade. Decks  
14 may cover no more than 20 percent of the total setback area.

15                    ii. Stoops or porches providing direct access to individual  
16 housing units may project up to 5 feet into the required setback area, except that portions of  
17 stoops or porches not more than 2.5 feet in height from existing or finished grade, whichever is  
18 lower, may extend to a street lot line. The 2.5 foot height limit for stoops or porches does not  
19 apply to guard rails or hand rails. Such stoops or porches shall cover no more than 20 percent of  
20 the total setback area.

21                    iii. Eaves, cornices, fireplaces, chimneys, and gutters may  
22 project no more than 18 inches from the structure facade.

23                    iv. Ramps or other devices necessary for access for the  
24 disabled and elderly that meet Seattle Building Code, Chapter 11.

1 v. Fences no greater than 4 feet in height are permitted in  
2 the required setback, and up to 2 feet of additional height for architectural features such as arbors  
3 or trellises on the top of a fence is permitted. Fence height may be averaged along sloping grades  
4 for each 4 foot long segment of the fence, but in no case may any portion of the fence exceed 6  
5 feet in height.

6 vi. Underground structures.

7 b. A minimum setback of 8 feet shall be provided along Northeast 65<sup>th</sup>  
8 Street, and the setback may include pedestrian access and circulation.

9 2. Landscaping. Required setbacks shall be landscaped, and may include paving  
10 and lighting to enhance pedestrian safety and comfort. Sidewalks, plazas, and other amenities or  
11 landscaped areas approved by the Department of Planning and Development are permitted in  
12 required setbacks.

13 3. Limit on Commercial Uses. Commercial uses are prohibited within 80 feet of  
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18 NE 66<sup>th</sup> Street with no intervening housing units or commercial uses between the housing unit  
19 and the NE 66<sup>th</sup> Street lot line, and located on the first floor of a building, shall have the primary  
20 pedestrian entrance to each housing unit directly accessible from the exterior of the structure  
21 rather than a primary pedestrian entry through a common entrance hallway.

22 5. Underground Parking. Parking shall be located below grade, except a portion  
23 of a below-grade garage may extend up to 4 feet above existing or finished grade, whichever is  
24 lower, provided that the parking that extends above grade is fully screened from direct street  
25 view by the street-facing façade of the structure or by landscaping.

1 Section 5. This ordinance shall take effect and be in force 30 days after its approval by  
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it  
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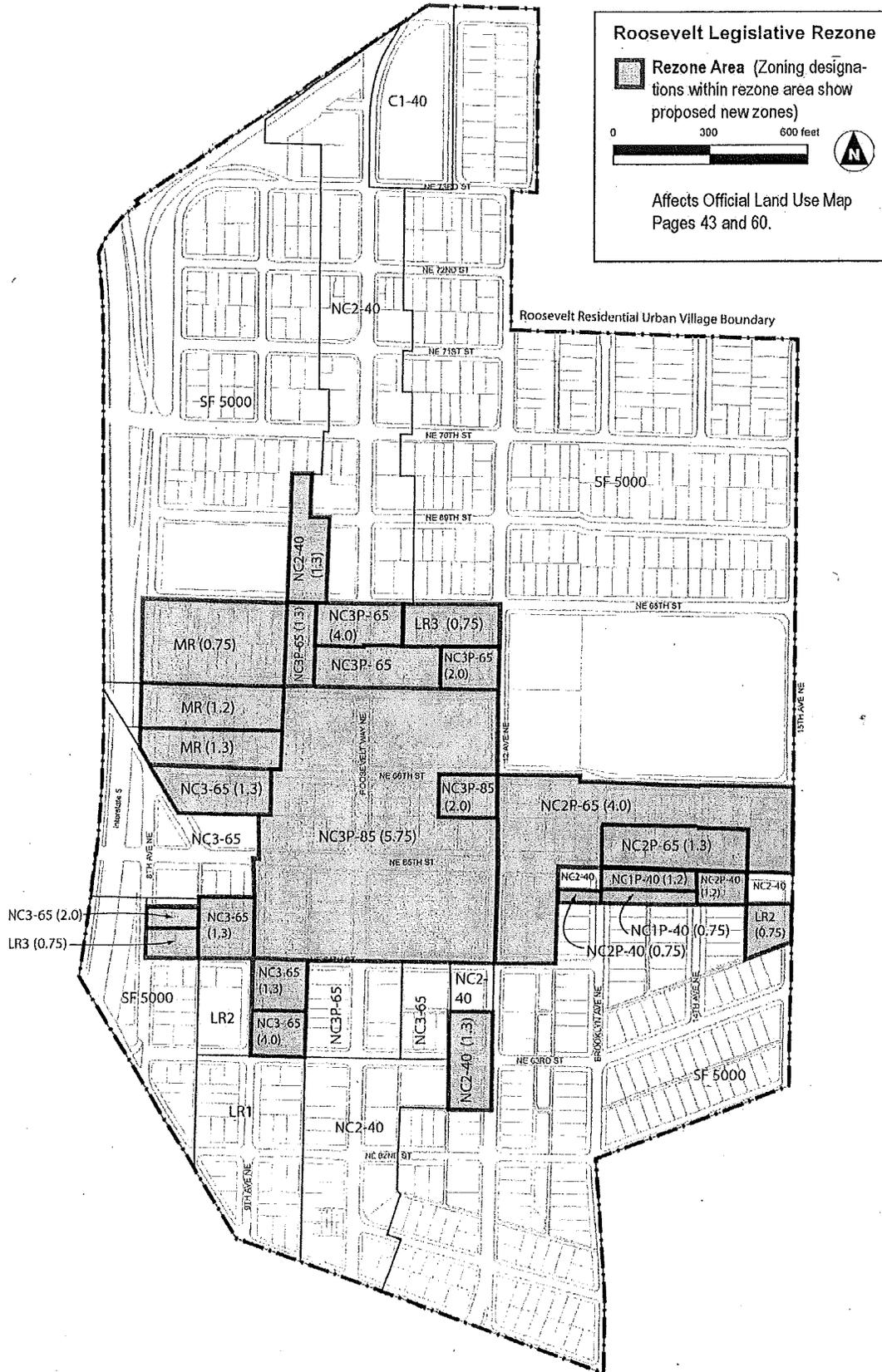
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20 (Seal)

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24 Attachments: Exhibit A – Roosevelt Legislative Rezone Area Map

25 Exhibit B – Roosevelt Station Overlay District Map

Roosevelt Legislative Rezone Area Map



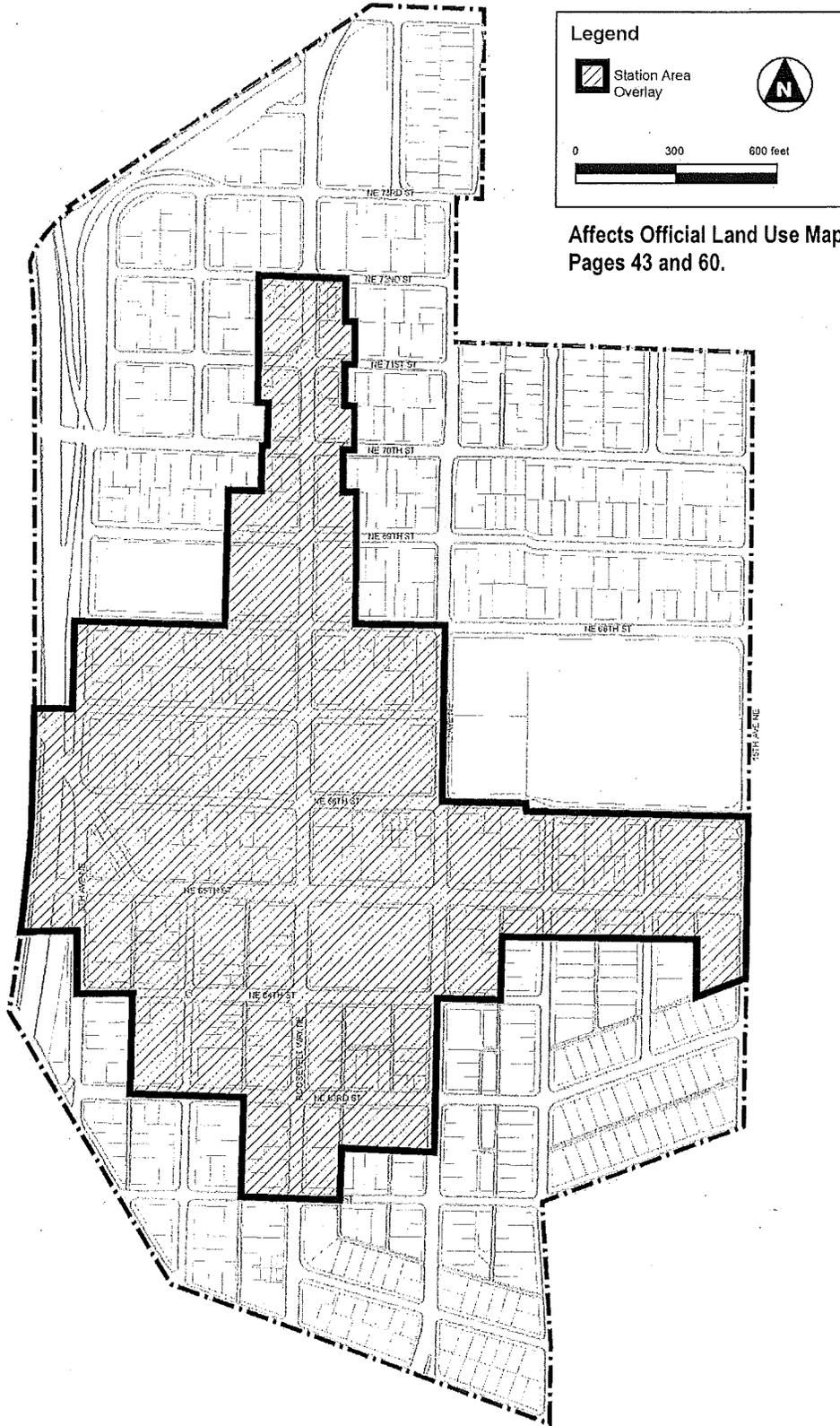
**Roosevelt Legislative Rezone**

Rezone Area (Zoning designations within rezone area show proposed new zones)

0 300 600 feet

Affects Official Land Use Map Pages 43 and 60.

Roosevelt Station Overlay District Map



**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>CBO Analyst/Phone:</b>
Legislative	Sara Belz/4-5382 Geoffrey Wentlandt (DPD)/ 4-3586	NA

**Legislation Title:**

AN ORDINANCE relating to land use and zoning, establishing a new Station Area Overlay District, amending general locational criteria for single family zones, expanding an existing pedestrian zoning designation, amending Seattle Municipal Code sections 23.34.010, 23.47A.005, and 23.47A.009, and amending the Official Land Use Map, Chapter 23.32, at pages 43 and 60 to rezone areas within the Roosevelt Residential Urban Village.

**Summary of the Legislation:**

The proposed bill enacts the following:

**Rezones.** The bill adopts a package of 25 rezones that meet the Roosevelt neighborhood's goals for integrating a light rail station into the heart of the residential urban village. The rezones are centered on the neighborhood business district around Roosevelt Way NE and NE 65<sup>th</sup> St. Most of the rezones are changes to slightly higher intensity Neighborhood Commercial Zones along the arterial roadways near the commercial core. Several of the rezones not directly located on an arterial roadway or on the edges of the commercial core are changes to multifamily zoning designations. In total the proposed rezones comprise roughly 20 acres of land. DPD's capacity model estimates the rezone creates additional capacity for approximately 880 housing units and 326,000 gross square feet (GSF) of commercial space.

**Station Area Overlay District.** The bill establishes a Station Area Overlay district (SAO) that includes all proposed commercial and multifamily zoned areas within a quarter-mile radius of the future light rail station. An SAO is an established set of supplemental development regulations intended to support transit stations.

**Pedestrian Overlay.** The bill extends an existing Pedestrian (P) designation. The P designation is a suffix to a zoning classification that denotes additional development standards intended to encourage an intensely pedestrian-oriented retail environment.

**Incentive Zoning.** The bill applies the City's incentive zoning program for affordable housing to the properties in the Roosevelt Residential Urban Village that would be rezoned under this legislation.

**Background:**

In 2005, Sound Transit decided to locate a planned light rail station in the center of the Roosevelt neighborhood and selected a site under 12<sup>th</sup> Ave NE between NE 65<sup>th</sup> St and NE 67<sup>th</sup> St, with an entrance located along 12<sup>th</sup> Ave NE on the current QFC site. Following Sound Transit's decision, the community began reviewing and updating its neighborhood plan, *Tomorrow's Roosevelt*, which was originally adopted by the City Council in 1999.

**Neighborhood Plan Amendment.**

When the Roosevelt Neighborhood Association (RNA) completed its review of the Neighborhood Plan, it proposed zoning changes to support concentrating residential density and commercial uses around the planned light rail station. The review resulted in substantial revisions to the Goals and Policies of the Neighborhood Plan.

**Future Land Use Map Amendment.**

Based on the Goal and Policy revisions to Neighborhood Plan the RNA workgroup also proposed changes to the City's Comprehensive Plan Future Land Use Map. These changes were officially adopted by the City Council through the 2009 Comprehensive Plan annual amendment process. The package of rezones in this bill matches appropriate zoning designations to the areas that were re-designated on the Future Land Use Map.

Please check one of the following:

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

**This legislation has financial implications.**

**Other Implications:**

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

This legislation would likely generate minor financial implications for the City in two ways. First, the legislation will create additional development capacity in the area (estimated 880 housing units, and 326,000 gsf of commercial space), which could result in an increased demand for the municipal services provided by the full range of City departments. The increase in the need for additional services is expected to be balanced by the corresponding incremental increase in property tax revenues, sales tax revenues and other revenues associated with increased development. In sum, the increased development will be balanced by increased revenue at existing rates.

The more direct and immediate cost of implementing the legislation is the impact on DPD to process the area-wide legislative rezone. Costs to process the rezone include updating land use and zoning maps, permit tracking systems, and GIS systems. DPD's IT department provides the following estimate for the scope of work for affected staff:

<i>Project Manager</i>	16 hours
<i>Hansen Analyst</i>	100 hours
<i>GIS Administrator</i>	65 hours
<i>Database Developer</i>	5 hours
<i>Quality Assurance.</i>	67 hours
<i>Production Support</i>	2 hours

Estimated Total. 186 hours @ \$65.00/hour = \$16,575.00 + a 20% contingency = \$19,890. This amount would be funded out of the DPD's IT unit and would be accommodated within existing budget authority and staffing levels.

Additional review time would be required for projects in incentive zoning areas, resulting in additional costs that would be determined on a project-by-project basis. DPD permit review staff estimate that projects in neighborhood commercial zones would require an additional 3.5 hours of review time by DPD and Office of Housing (OH) staff to review the project against incentive zoning provisions. This would result in a total cost of \$875 for each project permit that is subject to incentive zoning. Some or all of this cost would be passed along to applicants in the form of permit fees.

OH works with DPD and with all developers who take advantage of affordable housing incentive zoning programs. Currently, one staff person at OH administers the program on behalf of that department. OH is authorized to collect a \$550 permit fee, \$65 per unit fee for monitoring of affordable rental housing, and \$300 fee for transfer or sale of affordable owner-occupied housing. These fees ensure that this legislation has no negative fiscal impacts for OH.

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

There is no direct cost of not implementing the legislation. However, if the rezones are not enacted the City would not receive the preferred form and character of development in the Roosevelt neighborhood envisioned by citizens and called for in Comprehensive and Neighborhood Plans.

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

The Office of Housing would be affected as described under section a) above.

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

No, rezoning property within the City of Seattle requires City Council action via ordinance.

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

Yes, a public hearing was held on September 19, 2011, at Roosevelt High School.

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

Yes.

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

Yes, passage of this legislation would result in the rezoning of several properties within the Roosevelt Residential Urban Village. See Exhibit A to the ordinance.

**h) Other Issues: None.**

**List attachments to the fiscal note below: None.**