

CITY OF SEATTLE
ORDINANCE _____
COUNCIL BILL 118052

AN ORDINANCE related to land use and zoning; repealing Section 23.24.046 and amending Sections 23.22.062, 23.24.045, 23.34.086, 23.44.010, 23.44.012, 23.44.022, 23.84A.004, 23.84A.024, 23.84A.046, and 23.86.010 of the Seattle Municipal Code to adopt permanent development regulations to promote compatible buildings on undersized single-family-zoned lots.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subsection A of Section 23.22.062 of the Seattle Municipal Code, which Section was last amended by Council Bill 117952, is amended as follows:

23.22.062 Unit lot subdivisions

A. The provisions of this Section 23.22.062 apply exclusively to the unit subdivision of land for single-family dwelling units, townhouse, rowhouse, cottage housing developments (~~in all zones in which these uses are permitted~~), and existing apartment structures built prior to January 1, 2013, but not individual (~~apartments~~) apartment units, (~~and for single-family dwelling units in LR zones~~;) in all zones in which these uses are permitted, or any combination of the above types of residential development(;) as permitted in the applicable zones.

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Section 2. Subsection A of Section 23.24.045 of the Seattle Municipal Code, which Section was last amended by Council Bill 117952, is amended as follows:

23.24.045 Unit lot subdivisions

A. The provisions of this Section 23.24.045 apply exclusively to the unit subdivision of land for single-family dwelling units, townhouse, rowhouse, cottage housing developments (~~in all zones in which these uses are permitted~~), and existing apartment structures built prior to January 1, 2013, but (~~not~~) no individual apartment units, (~~and for single-family dwelling units~~

1 ~~in LR zones,))~~ in all zones in which these uses are permitted, or any combination of the above
2 types of residential development((~~5~~)) as permitted in the applicable zones.

3 * * *

4 Section 3. Section 23.24.046 of the Seattle Municipal Code, which Section was last
5 amended by Ordinance 123809, is repealed:

6 ~~((23.24.046 – Multiple single family dwelling units on a single family lot~~

7 ~~A. The provisions of this Section 23.24.046 apply exclusively to the short subdivision of~~
8 ~~a lot in a single family zone containing more than one existing single family dwelling unit.~~

9 ~~B. A lot in a single family zone containing more than one (1) existing single family~~
10 ~~dwelling unit may be divided in accordance with this chapter as long as each of the following~~
11 ~~conditions is satisfied:~~

12 ~~1. Each existing single family dwelling unit was legally established by permit or~~
13 ~~is eligible to be established as a nonconforming development in accordance with Section~~
14 ~~23.42.102, Establishing nonconforming status;~~

15 ~~2. Each existing single family dwelling unit was constructed prior to February~~
16 ~~20, 1982;~~

17 ~~3. Each resulting lot has one (1), but no more than one (1), existing single family~~
18 ~~dwelling unit;~~

19 ~~4. Parking is provided in accordance with Section 23.44.016, Parking location~~
20 ~~and access, unless the Director determines that at least one (1) of the following conditions is~~
21 ~~present:~~

22 ~~a. Providing parking accessory to an existing single family dwelling unit~~
23 ~~is undesirable or impractical because of the location of an environmentally critical area, existing~~
24 ~~drainage patterns, natural features such as significant trees, or access to a resulting or adjacent~~
25 ~~lot; or~~

1 b. ~~The short subdivision cannot be configured to provide parking in~~
2 ~~compliance with Section 23.44.016;~~

3 ~~If the Director determines that at least one (1) of the foregoing conditions is present, the Director~~
4 ~~may waive or modify the parking requirements of Section 23.44.016 as long as the short~~
5 ~~subdivision does not reduce the number of off-street parking spaces existing prior to the short~~
6 ~~subdivision. In connection with such waiver or modification, the Director may require access and~~
7 ~~parking easements as conditions of approval of the short subdivision; and~~

8 5. ~~Each resulting lot conforms to all other development standards of the zone~~
9 ~~unless the Director determines that the short subdivision cannot be approved if such standards~~
10 ~~are strictly applied and modification or waiver of some or all of such standards would further the~~
11 ~~public interest. If the Director makes such determination, then the Director may waive or modify~~
12 ~~development standards, provided that:~~

13 a. ~~Each existing single-family dwelling unit shall be set back at least three~~
14 ~~(3) feet from each common lot line in the short subdivision; and~~

15 b. ~~No resulting lot shall be smaller than one thousand eight hundred~~
16 ~~(1,800) square feet.~~

17 C. ~~Structures on lots for which the Director has waived or modified development~~
18 ~~standards according to subsection B of this section will be treated as nonconforming and be~~
19 ~~subject to Section 23.42.112.~~

20 D. ~~Short subdivision of a lot under this Section 23.24.046 is exempt from the~~
21 ~~requirements of subsection 23.24.040.A.9, unless a lot is created that does not have an existing~~
22 ~~single-family dwelling unit.))~~

23 Section 4. Subsection B of Section 23.34.086 of the Seattle Municipal code, which
24 Section was last amended by Ordinance 122311, is amended as follows:

25 **23.34.086 Pedestrian designation (suffix P), function and locational criteria((+))**

* * *

B. Locational (~~(Criteria))~~criteria. Pedestrian-designated zones are most appropriate on land that is generally characterized by the following conditions:

1. Pedestrian district surrounded by residential areas (~~(and/or))~~or major activity centers; or a commercial node in an urban center or urban village;

2. NC zoned areas on both sides of an arterial, or NC zoned block (~~(faees))~~fronts across an arterial from a park, major institution, or other activity center; and

3. Excellent access for pedestrians, transit, and bicyclists.

Section 5. Subsections A, B, C, D and E of Section 23.44.010 of the Seattle Municipal Code, which Section was last amended by Ordinance 123978, are amended as follows:

23.44.010 Lot requirements

A. Minimum (~~(Lot Area))~~lot area. The minimum lot area shall be as provided in Table A for 23.4.010:

Table A for 23.44.010	
Minimum lot area	
((S.F.))SF ((Zone))<u>zone</u>	Minimum ((Lot Area Required))<u>lot area required</u>
((S.F.))SF 9600	9,600 square feet (sq. ft.)
((S.F.))SF 7200	7,200 sq. ft.
((S.F.))SF 5000	5,000 sq. ft.

Submerged lands shall not be counted in calculating the area of lots for the purpose of these minimum lot area requirements, or the exceptions to minimum lot area requirements provided in this (~~(section))~~Section 23.44.010. A parcel that does not meet the minimum lot area requirements or exceptions of this Section 23.44.010, and that is in common ownership with an abutting lot when the abutting lot is the subject of any permit application, shall be included as a part of the abutting lot for purposes of the permit application.

1 B. Exceptions to ~~((Minimum Lot Area Requirements))~~minimum lot area requirements.

2 The following exceptions to minimum lot area requirements are allowed, ~~((subject to the~~
3 ~~development standards for undersized lots in subsection 23.44.010.C, except as limited~~
4 ~~under))~~subject to the requirements in subsection 23.44.010.B.2, and further subject to the
5 requirements in subsection 23.44.010.B.3 for any lot less than 3,200 square feet in area:

6 1. A lot that does not satisfy the minimum lot area requirements of its zone may
7 be developed or redeveloped ~~((separately))~~under one of the following circumstances:

8 a. "The Seventy-Five/Eighty Rule." The Seventy-Five Eighty Rule
9 exception may be applied to allow separate development of lots already in existence in their
10 current configuration, or new lots resulting from a full subdivision, short subdivision or lot
11 boundary adjustment. In order to qualify for this exception, the lot must have an area at least 75
12 percent of the minimum required for the zone and also at least 80 percent of the mean area of the
13 lots within the same block front, subject to the following provisions:

14 1) ~~((If the lot was established as a separate building site in the~~
15 ~~public records of the county or City prior to July 24, 1957, by deed, contract of sale, mortgage,~~
16 ~~property tax segregation, platting or building permit and has an area of at least 75 percent of the~~
17 ~~minimum required lot area and at least 80 percent of the mean lot area of the lots on the same~~
18 ~~block face and within the same zone in which the lot is located (Exhibit A for 23.44.010), or))~~To
19 be counted as a separate lot for the purposes of calculating the mean area of the lots on a block
20 front, a lot must be entirely within a single-family zone, and must be currently developed as a
21 separate building site or else currently qualify for separate development based on facts in
22 existence as of the date a building permit, full or short subdivision, or lot boundary adjustment
23 application is filed with the Department. The existence of structures or portions of structures on
24 the property that is the subject of the application may be disregarded when the application
25 indicates the structures or portions of structures will be demolished. In cases where this

1 exception is applied for the purpose of a lot boundary adjustment, the calculation shall be based
2 on the existing lots as they are configured before the adjustment.

3 2) ~~((If the lot is or was created by subdivision, short subdivision or~~
4 ~~lot boundary adjustment, is at least 75 percent of the minimum required lot area, and is at least~~
5 ~~80 percent of the mean lot area of the lots on the same block face within which the lot will be~~
6 ~~located and within the same zone (Exhibit A for 23.44.010)))~~To be counted as a separate lot for
7 the purposes of calculating the mean area of the lots on a block front, a lot must have at least 10
8 feet of frontage on the street the calculation is applied to.

9 3) Lots developed with institutional uses, parks, or nonconforming
10 nonresidential uses may be excluded from the calculation. There must, however, be at least one
11 lot on the block front used for the calculation other than the property that is the subject of the
12 platting, lot boundary adjustment, or building permit application that this exception is being
13 applied to.

14 4) If property is to be subdivided or its lot lines are modified by a
15 lot boundary adjustment that increases the number of lots that qualify for separate development,
16 the property subject to the subdivision, or the lots modified by the lot boundary adjustment, shall
17 be excluded from the block front mean area calculation.

18 ~~((3))~~5) For purposes of this subsection 23.44.010.B.1.a, if the
19 platting pattern is irregular, the Director will determine which lots are included within a block
20 ~~((face))~~front.

21 ~~((4) A determination whether a lot qualifies for this exception~~
22 ~~shall be made on the basis of facts in existence as of the date of application for a short plat or~~
23 ~~building permit for that lot.))~~

24 6) If an existing or proposed lot has frontage on more than one
25 street, the lot may qualify for this exception based on the calculation being applied to any street
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1 on which the lot has at least 30 feet of frontage. If a proposed lot has frontage on multiple streets
2 but does not have 30 feet of frontage on any street, the exception may be applied based on the
3 calculation along the street on which the lot has the most frontage, provided the lot has at least
4 10 feet of frontage on that street. If the lot has less than 30 feet of frontage on any one street but
5 equal frontage on multiple streets, the rule may be applied based on the calculation along any
6 one of the streets, provided the lot has at least 10 feet of frontage on that street.

7 ~~((5))~~7) New lots created pursuant to subsection
8 23.44.010.B.1.a(~~(.2))~~) or subsection 23.44.010.B.1.b shall comply with the following standards:

9 a) ~~((for))~~For a lot that is subdivided or short platted, the
10 configuration requirements of subsections 23.22.100.C.3 and 23.24.040.A.9 or with the
11 modification provisions of subsections 23.22.100.D and 23.24.040.B, as applicable; or

12 b) ~~((for))~~For an existing lot that is reconfigured under the
13 provisions of Chapter 23.28, the configuration requirements of subsection 23.28.030.A.3 or with
14 the ~~((or))~~modification provisions of subsection 23.28.030.A.4.

15 b. "The 100 Percent Rule." The 100 Percent Rule exception may be
16 applied to allow separate development of lots already in existence in their current configuration,
17 or new lots resulting from a full subdivision, short subdivision, or lot boundary adjustment. To
18 qualify for this exception, a lot must have an area no less than the mean area of the lots within
19 the same block front, subject to the same provisions provided for under the Seventy-Five Eighty
20 Rule in subsections 23.44.010.B.1.a.1 through 23.44.010.B.1.a.7. The number of lots that newly
21 qualify for separate development as a result of applying this exception shall not exceed the
22 number of existing lots on the block front that provide the basis for the mean lot area calculation.
23 Along any one block front, no more than two lots may qualify for separate development under
24 this exception as a result of demolishing a house, houses or portions of houses in existence on or
25 after February 1, 2013.

1 c. The lot area deficit is the result of a dedication or sale of a portion of
2 the lot to the City or state for street or highway purposes, payment was received for only that
3 portion of the lot, and the lot area remaining is at least ~~((50 percent of the minimum required))~~
4 2,500 square feet.

5 ~~((e))~~d. The lot would qualify as a legal building site under subsection
6 23.44.010.B but for a reduction in the lot area due to court-ordered adverse possession, and the
7 amount by which the lot was so reduced was less than 10 percent of the former area of the lot.
8 This exception does not apply to lots reduced to less than ~~((50 percent of the minimum area~~
9 ~~required under subsection 23.44.010.A))~~2,500 square feet.

10 ~~((d))~~e. "The Historic Lot Exception." The historic lot exception may be
11 applied to allow separate development of lots already in existence if ~~((The))~~the lot has an area
12 ~~((at least 50 percent of the minimum required under section 23.44.010.A))~~of at least 2,500 square
13 feet, and was established as a separate building site in the public records of the county or City
14 prior to July 24, 1957, by deed, ~~((contract of sale, mortgage,))~~plating, or building permit, ~~((and~~
15 falls into one of the following categories))The qualifying lot shall be subject to the following
16 provisions:

17 ~~((1))~~ The lot has not been held in common ownership with any
18 contiguous lot after January 17, 1987, or

19 ~~2)~~ The lot is or has been held in common ownership with a
20 contiguous lot after January 17, 1987 and is or has been developed with a principal structure that
21 is wholly within the lot's boundaries, but only if no portion of any contiguous lot is required to
22 meet the least restrictive of lot area, lot coverage, setback or yard requirements that were in
23 effect at the time of the original construction of the principal structure, at the time of its
24 subsequent additions, or that are in effect at the time of redevelopment of the lot (Exhibit B for
25 23.44.010), or

1 needed to meet current yard or lot-coverage standards. If the combined property fronts on
2 multiple streets, the orientation of the principal structure shall not be considered when
3 determining if it could have been built to the same configuration without using the vacant lot or
4 lots as part of the principal structure's building site.

5 3) Lots that do not otherwise qualify for this exception cannot
6 qualify as a result of all or part of a principal structure being removed or destroyed by fire or act
7 of nature that occurred on or after January 18, 1987. Lots may, however, qualify as a result of
8 removing from the principal structure minor features that do not contain enclosed interior space,
9 including but not limited to eaves and unenclosed decks.

10 4) If two or more abutting lots with a mean area less than 3,200
11 square feet were under common ownership and all of the lots were undeveloped with a principal
12 structure as of February 1, 2013, and a building permit application was not submitted for
13 separate development of any of the lots prior to February 1, 2013, no more than one of the lots
14 may qualify for the lot area exception in this subsection 23.44.010.B.1.e.

15 5) If parking for an existing principal structure on one lot has been
16 provided on an abutting lot and parking is required under Chapter 23.54 the required parking for
17 the existing house shall be relocated onto the same lot as the existing principal structure in order
18 for either lot to qualify for the exception.

19 ~~((e))~~f. The lot is within a ~~((Clustered Housing Planned~~
20 ~~Development))~~clustered housing planned development pursuant to Section 23.44.024, a
21 ~~((Planned Residential Development))~~planned residential development pursuant to Section
22 23.44.034, or a development approved as an environmentally critical areas conditional use
23 pursuant to Section 25.09.260.

24 ~~((f. The lot is or was created by short subdivision of a lot containing more~~
25 ~~than one existing single family dwelling unit pursuant to Section 23.24.046.))~~

1 g. If a lot qualifies for an exception to the lot area requirement under
2 subsection 23.44.010.B.1.a, 23.44.010.B.1.b, 23.44.010.B.1.c, 23.44.010.B.1.d, or
3 23.44.010.B.1.e, the boundaries between that lot and contiguous lots on the same block face that
4 also qualify for separate development may be adjusted through the lot boundary adjustment
5 process if the adjustment maintains the existing lot areas, increases the area of a qualifying
6 substandard lot without reducing another lot below the minimum permitted lot area, or causes the
7 areas of the lots to become more equal provided the number of parcels qualifying for separate
8 development is not increased. Lots resulting from a lot boundary adjustment that do not meet the
9 minimum lot area requirement must qualify for an exception to that requirement.

10 2. Limitations((-))

11 a. Development may occur on a substandard lot containing a riparian
12 corridor, a shoreline habitat and shoreline habitat buffer, a wetland and wetland buffer, or a steep
13 slope and steep slope buffer pursuant to the provisions of Chapter 25.09, Regulations for
14 ~~((Environmentally Critical Areas))~~environmentally critical areas, if the following conditions
15 apply:

16 1) The substandard lot is not held in common ownership with an
17 ~~((adjacent))~~abutting lot or lots at any time after October 31, 1992, or

18 2) The substandard lot is held in common ownership with an
19 ~~((adjacent))~~abutting lot or lots, or has been held in common ownership at any time after October
20 31, 1992, if proposed and future development will not intrude into the environmentally critical
21 area or buffer.

22 b. Lots on totally submerged lands do not qualify for any minimum lot
23 area exceptions.

24 3. Special exception review for lots less than 3,200 square feet in area. A special
25 exception Type II review as provided for in Section 23.76.004 is required for separate
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1 development of any lot with an area less than 3,200 square feet that qualifies for any lot area
2 exception in subsection 23.44.010.B.1. The special exception application shall be subject to the
3 following provisions:

4 a. The depth of any structure on the lot shall not exceed two times the
5 width of the lot. If a side yard easement is provided according to subsection 23.44.014.D.3, the
6 portion of the easement within 5 feet of the structure on the lot qualifying under this provision
7 may be treated as a part of that lot solely for the purpose of determining the lot width for
8 purposes of complying with this subsection 23.44.010.B.2.c.

9 b. If a side of a proposed principal structure is more than 25 feet in length
10 and faces one or more abutting lots that are developed with a house, the sides of the proposed
11 principal structure that face the existing houses shall be modulated to visually break up the side.

12 c. Windows in a proposed principal structure facing an existing abutting
13 lot that is developed with a house shall be placed in manner that takes into consideration the
14 interior privacy in abutting houses, provided that this provision shall not prohibit placing a
15 window in any room of the proposed house.

16 d. In approving a special exception review, additional conditions may be
17 imposed that address modulation to address the character of facades of the proposed principal
18 structure that face existing abutting houses, and window placement to address interior privacy of
19 existing abutting houses.

20 ~~((C. Development of any principal structure on lots that meet the conditions outlined in~~
21 ~~subsection 23.44.010.B.1.d but have a total area less than 3,750 square feet shall comply with the~~
22 ~~height standards of Section 23.44.012.A.3.~~

23 ~~D.))C. Maximum ((Lot Coverage))lot coverage. The maximum lot coverage permitted~~
24 ~~for principal and accessory structures is as ((follows))provided in Table B for 23.44.010:~~

Table B for 23.44.010
Maximum lot coverage

Lot ((Size)) size	Maximum ((Lot Coverage)) lot coverage
Less than 5,000 square feet (sq. ft.)	1,000 sq. ft. ((+)) plus 15 ((%)) percent of lot area
5,000 sq. ft. or more	35 ((%)) percent of lot area

For purposes of computing maximum lot coverage, only those portions of a lot that measure at least 10 feet in ~~((any direction))~~all directions shall be included in lot coverage calculations, except for portions of a lot that are used for access or that are granted a waiver under subsections 23.22.100.D, 23.24.040.B, or 23.28.030.A.4 for the purpose of providing access.

~~((E))~~D. Lot ~~((Coverage Exceptions))~~coverage exceptions~~((:-))~~

1. Lots ~~((Abutting Alleys))~~abutting alleys. For purposes of computing the lot coverage only:

a. The area of a lot with an alley or alleys abutting any lot line may be increased by ~~((1/2))~~one-half of the width of the abutting alley or alleys.

b. The total lot area for any lot may not be increased by the provisions of this ~~((section))~~Section 23.44.010 by more than 10 percent.

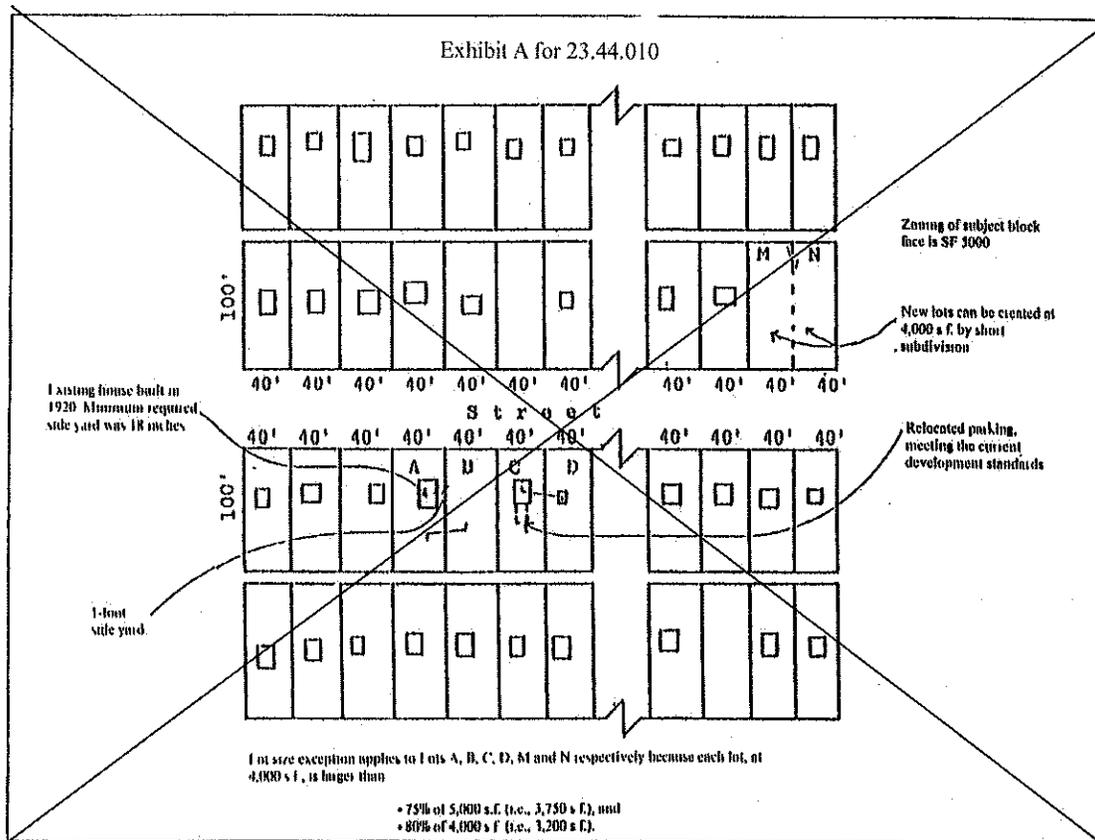
2. Special ~~((Structures and Portions of Structures))~~structures and portions of structures. The following structures and portions of structures are not counted in lot coverage calculations:

a. Access ~~((Bridges))~~bridges. Uncovered, unenclosed pedestrian bridges 5 feet or less in width and of any height necessary for access;

b. Barrier-free ~~((Access))~~access. Ramps or other access for the disabled or elderly that comply with Washington State Building Code, Chapter 11;

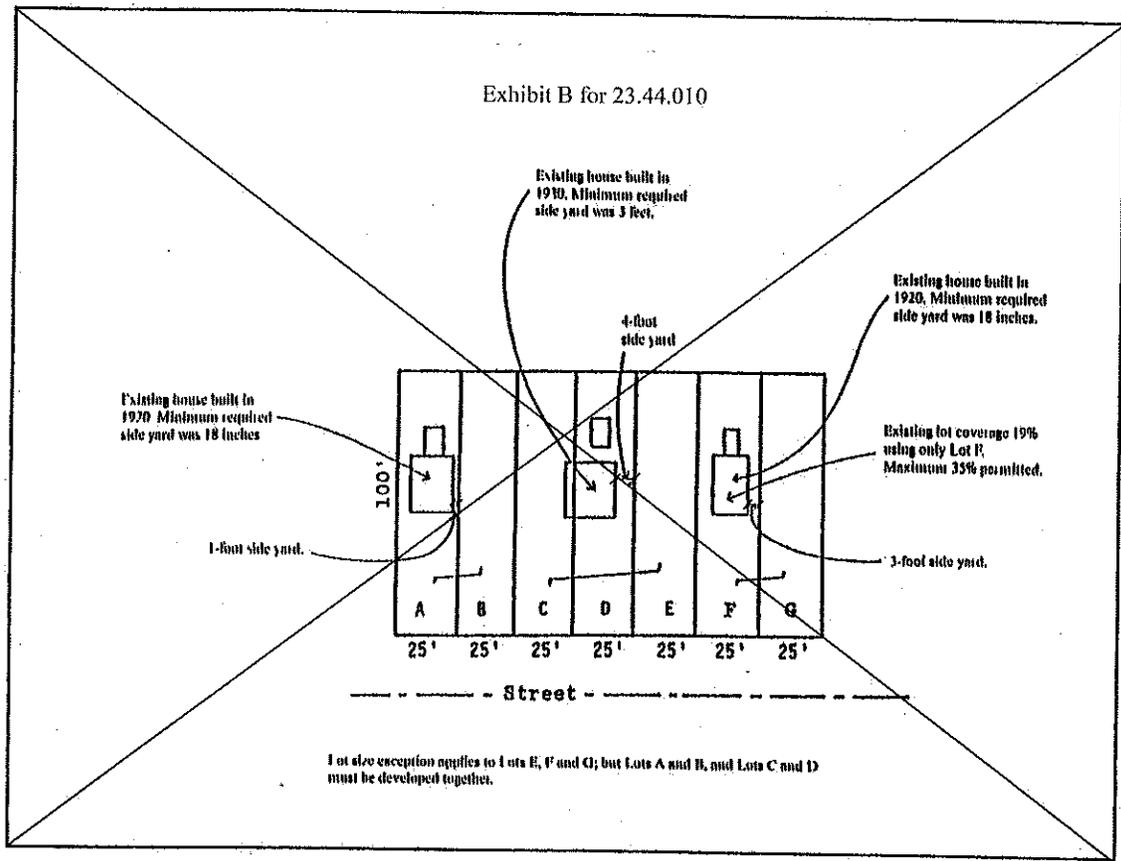
c. Decks. Decks or parts of a deck that are 36 inches or less above existing grade;

- 1 d. ~~Freestanding ((Structures and Bulkheads))~~ structures and bulkheads.
2 Fences, freestanding walls, bulkheads, signs and other similar structures;
- 3 e. ~~Underground ((Structures))~~ structures. An underground structure, or
4 underground portion of a structure;
- 5 f. ~~Eaves and ((Gutters))~~ gutters. The first 36 inches of eaves and gutters
6 that project from principal and accessory structures;
- 7 g. Solar collectors and swimming pools. Solar collectors that comply with
8 Section 23.44.046 and swimming pools that comply with Section 23.44.044.



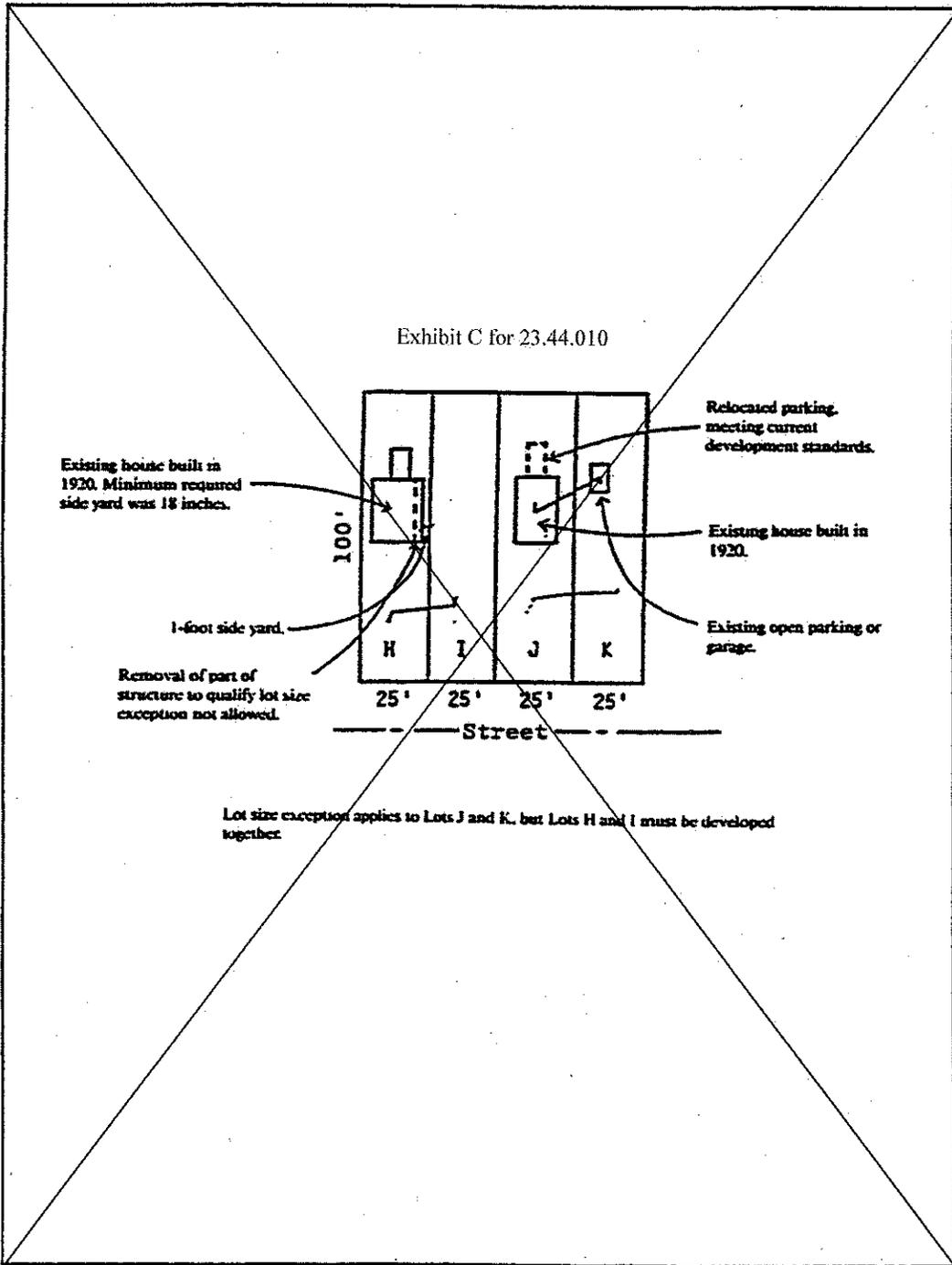
((Exhibit A for 23.44.010))

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((Exhibit B for 23.44.010))

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((Exhibit C for 23.44.010))

1 Section 6. Subsections A and B of Section 23.44.012 of the Seattle Municipal Code,
2 which Section was last amended by Ordinance 123978, are amended as follows:

3 **23.44.012 Height ~~((Limits))~~limits**

4 A. Maximum ~~((Height Established))~~height established~~((;-))~~

5 1. Except as permitted in ~~((S))~~subsection 23.44.041.B, and except as provided in
6 ~~((subsection))~~subsections 23.44.012.A.2 and ~~((A.3))~~23.44.012.A.3, the maximum permitted
7 height for any structure not located in a required yard is 30 feet.

8 2. The maximum permitted height for any structure on a lot 30 feet or less in
9 width is 25 feet.

10 3. For a lot or unit lot of any width, if the area of the largest rectangle or other
11 quadrilateral that can be drawn within the lot lines of the lot or unit lot ~~((The maximum~~
12 ~~permitted height for any structure on a lot of any width that))~~is less than ~~((3,750))~~3,200 square
13 feet ~~((that qualifies for separate development according to the provisions in section~~
14 ~~23.44.010.B.1.d))~~the maximum permitted height for any structure on that lot ~~((is))~~shall be
15 ~~((22))~~18 feet~~((;-))~~ unless the structure's height is further restricted by other code provisions,
16 provided that structure height up to 22 feet is permitted for a principal structure with habitable
17 floor area on no more than two partially- or fully-above-ground floors, and top-of-floor-to top-
18 of-floor height is at least 10 feet at the level of the main entry.

19 4. The method of determining structure height and lot width is detailed in
20 Chapter 23.86, Measurements.

21 B. Pitched ~~((Roofs))~~roofs. The ridge of a pitched roof on a principal structure may
22 extend up to ~~((five (-5)))~~5 feet above the maximum height limit, as determined under subsection
23 23.44.012.A above. All parts of the roof above the height limit must be pitched at a rate of not
24 less than 4:12 (Exhibit A for 23.44.012). No portion of a shed roof, except on a dormer, shall be
25 permitted to extend beyond the maximum height limit, as determined under subsection

1 23.44.012.A above. Roof forms including but not limited to barreled and domed roofs may be
2 allowed under this subsection 23.44.012.B if the Director determines that the roof form remains
3 within the massing of a pitched roof form such as a gable or gambrel roof that would otherwise
4 be allowed by this subsection 23.44.012.B (Exhibit B for 23.44.012).

5 * * *

6 Section 7. Subsection K of Section 23.44.022 of the Seattle Municipal Code, which
7 Section was last amended by Ordinance 123649, is amended as follows:

8 **23.44.022 Institutions**

9 * * *

10 K. Bulk and ~~((Siting))~~siting~~((:))~~

11 1. Lot ~~((Area))~~area. If the proposed site is more than one ~~((1))~~acre in size, the
12 Director may require the following and similar development standards:

13 a. For lots with unusual configuration or uneven boundaries, the proposed
14 principal structures be located so that changes in potential and existing development patterns on
15 the block or blocks within which the institution is located are kept to a minimum;

16 b. For lots with large street frontage in relationship to their size, the
17 proposed institution reflect design and architectural features associated with adjacent
18 residentially-zoned block ~~((faees))~~fronts in order to provide continuity of the block front and to
19 integrate the proposed structures with residential structures and uses in the immediate area.

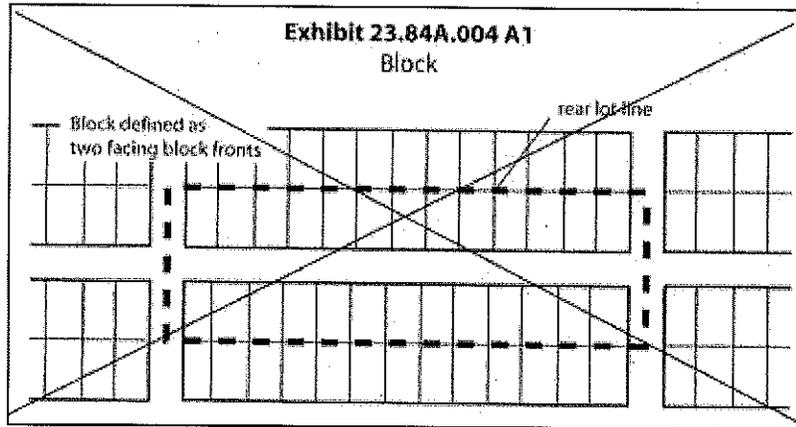
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21 Section 8. Section 23.84A.004 of the Seattle Municipal Code, which Section was last
22 amended by Ordinance 122935, is amended as follows:

23 **23.84A.004 "B"**

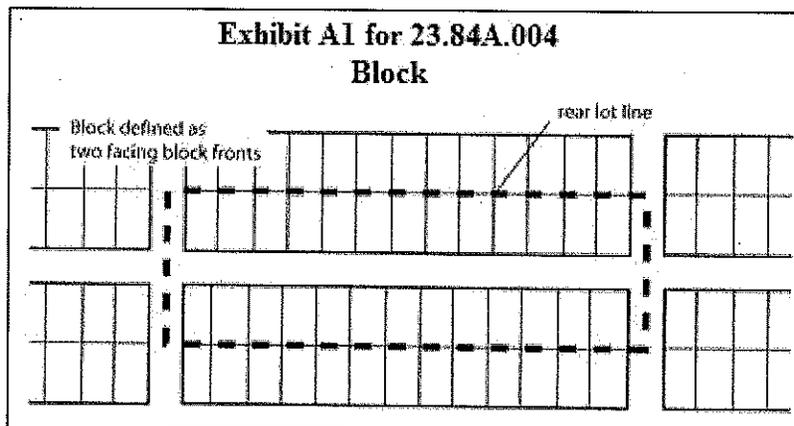
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1 "Block." In areas outside downtown zones, a block consists of two ((2))facing block
2 fronts bounded on two ((2))sides by alleys or rear lot lines and on two ((2))sides by the
3 centerline of platted streets, with no other intersecting streets intervening, as depicted in Exhibit
4 ((23.84A.004 A1))A1 for 23.84A.004.

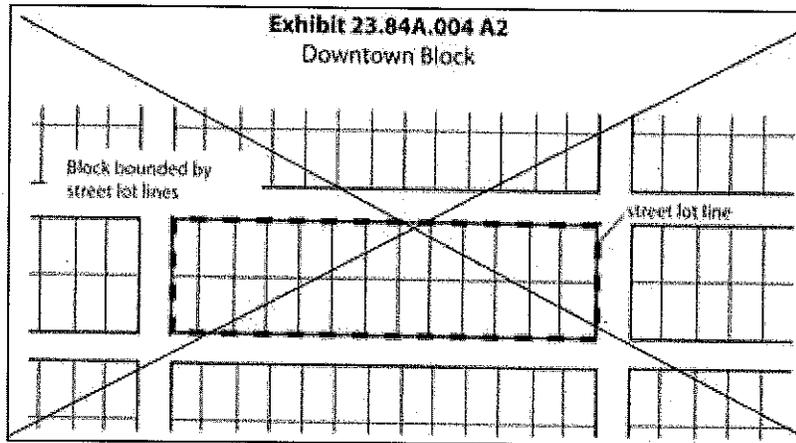


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12 **Exhibit A1 for 23.84A.004**

13 **Block**



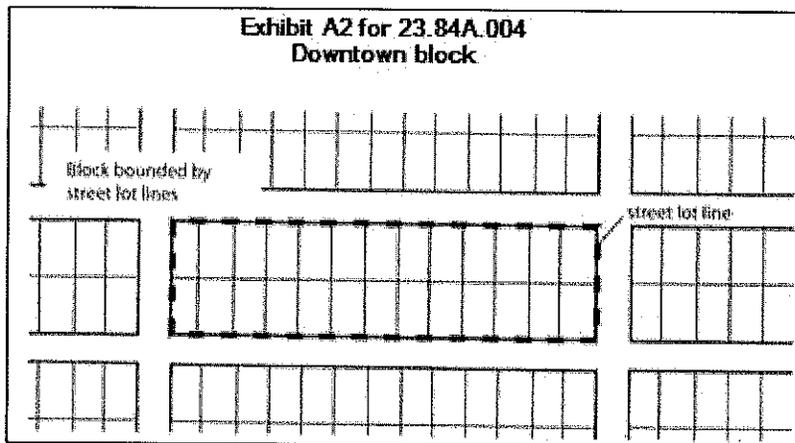
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21 In downtown zones, a block consists of the area bounded by street lot lines, Exhibit
22 ((23.84A.004 A2))A2 for 23.84A.004.



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Exhibit A2 for 23.84A.004

Downtown block



18 "Block face." See "Block front."

19 "Block front" means the land area along one ((1))side of a street bound on three
20 ((3))sides by the centerline of platted streets and on the fourth side by an alley or rear lot lines
21 ((Exhibit 23.84A.004 B))(Exhibit B for 23.84A.004).

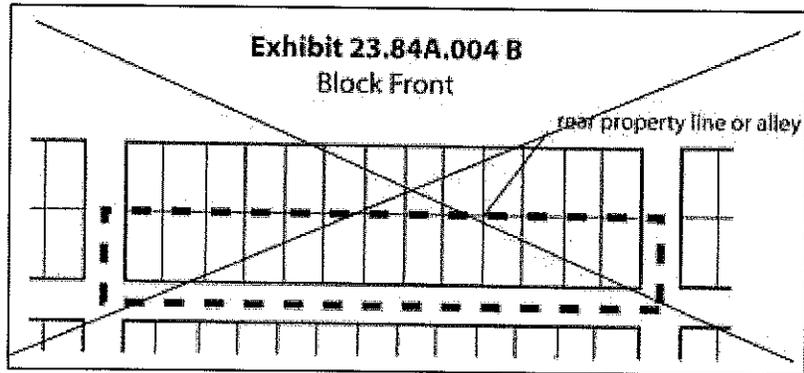
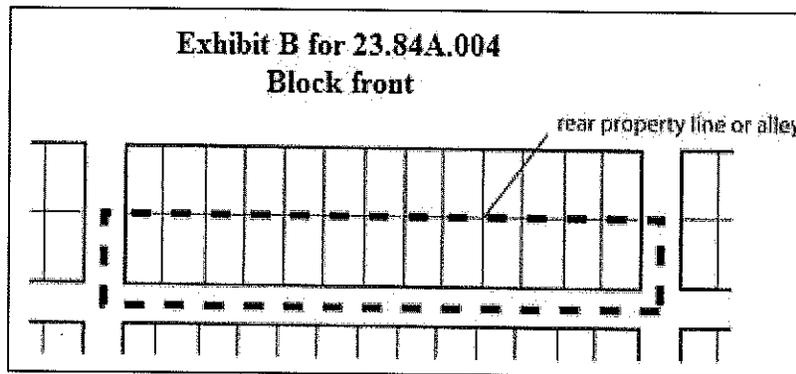


Exhibit B for 23.84A.004

Block front



* * *

16
17 Section 9. Section 23.84A.024 of the Seattle Municipal Code, which Section was last
18 amended by Ordinance 123913, is amended as follows:

19 **23.84A.024 "L"**

20 * * *

21 "Lot" means, except for the purposes of a TDR sending lot for Landmark TDR or
22 housing TDR, a sending lot for South Downtown Historic TDR or South Downtown Historic
23 TDP, and a sending lot for open space TDR, ~~((one or more platted or unplatted parcels))~~ a parcel
24 of land that qualifies for separate development or has been separately developed. A lot is the
25 unit that the development standards of each zone are typically applied to. A lot shall
26 ~~((abutting))~~ abut upon and be accessible from a private or public street sufficiently improved for

1 vehicle travel or (~~abutting~~)abut upon and be accessible from an exclusive, unobstructed
2 permanent access easement. A lot may not be divided by a street or alley (Exhibit A for
3 23.84A.024).

4 1. For purposes of a TDR sending lot for Landmark TDR, "lot" means the parcel
5 described in the ordinance approving controls for the sending lot.

6 2. For purposes of a sending lot for housing TDR, "lot" means the smallest parcel
7 or combination of contiguous parcels, as described in the County real property records at any
8 time after January 4, 1993, that contain the structure or structures that make the TDR eligible for
9 transfer.

10 3. For purposes of a sending lot for South Downtown Historic TDR or South
11 Downtown Historic TDP, "lot" means the smallest parcel or combination of contiguous parcels,
12 as described in the County real property records at any time after March 31, 2011, that contain
13 the contributing structure or structures that make the TDR or TDP eligible for transfer.

14 4. For purposes of a sending lot for open space TDR, the definition of lot in
15 Section 23.49.017 applies.

16 * * *

17 "Lot line, front" means, in the case of (~~an interior~~)a lot with frontage on a single street,
18 the lot line separating the lot from the street, and in the case of a (~~corner~~)lot with frontage on
19 more than one street other than a through lot, the lot line separating the lot from any abutting
20 street, provided the other lot line(s) that abut streets are considered to be side street lot line(s). In
21 the case of a through lot, the lot lines separating the lot from the streets that are parallel or within
22 15 degrees of parallel to each other are both front lines. For new development on a lot with no
23 street frontage, the front lot line shall be the lot line designated by the project applicant in
24 accordance with Section 23.86.010. If the area of the front yard based on a front lot line
25 determined according to this definition is less than 20 percent of the total lot area and is less than
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1 1,000 square feet in area, the Director may designate a different lot line as the front lot line in
2 order to provide structural setbacks, building separations and open space that are more consistent
3 with those of other lots that are within 100 feet of the property.

4 * * *

5 Section 10. Section 23.84A.046 of the Seattle Municipal Code, which Section was last
6 amended by Ordinance 122311, is amended as follows:

7 **23.84A.046 "Y"**

8 * * *

9 "Yard, front" means an area from the ground upward between the side lot lines of a lot,
10 extending from the front lot line to a line on the lot parallel to the front lot line, the horizontal
11 depth of which is specified for each zone. The front yard includes all portions of the lot that are
12 within the specified distance from the street along which the front lot line extends, even if
13 separated from the street by an intervening lot. In the case of an irregularly-shaped lot, the front
14 yard shall be a portion of the property as determined according to subsection 23.86.010.B.

15 "Yard, rear" means an area from the ground upward between the side lot lines of a lot,
16 extending from the rear lot line to a line on the lot parallel to the rear lot line, the horizontal
17 depth of which is specified for each zone. In the case of an irregularly-shaped lot, the rear yard
18 shall be a portion of the property adjacent to the rear lot line as determined according to
19 subsection 23.86.010.C.

20 * * *

21 Section 11. Section 23.86.010 of the Seattle Municipal Code, which Section was last
22 amended by Ordinance 123046, is amended as follows:

23 **23.86.010 Yards**

24 A. Measuring ~~((Required Yards))~~required yards. Required yard dimensions shall be
25 horizontal distances, measured perpendicular to the appropriate lot lines ~~((Exhibit 23.86.010~~

1 A)))(Exhibit A for 23.86.010). For lots with no street frontage, the applicant may designate the
2 front lot line, provided that under the resulting orientation, the area of the front yard is at least 20
3 percent of the area of the lot or 1,000 square feet whichever is less. If a lot with frontage on
4 more than one street is developed with an existing principal structure, the orientation of the lot
5 for the purpose of current yard requirements shall be the orientation under which the existing
6 structure is most conforming to current yard standards.

7 * * *

8 Section 12. 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.

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Passed by the City Council the ____ day of _____, 2014, and
signed by me in open session in authentication of its passage this
____ day of _____, 2014.

President _____ of the City Council

Approved by me this ____ day of _____, 2014.

Edward B. Murray, Mayor

Filed by me this ____ day of _____, 2014.

Monica Martinez Simmons, City Clerk

(Seal)

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Planning and Development	Andy McKim/4-8737	Melissa Lawrie/4-5805

Legislation Title: An ordinance related to land use and zoning; repealing Section 23.24.046 and amending Sections 23.22.062, 23.24.045, 23.34.086, 23.44.010, 23.44.012, 23.44.022, 23.84A.004, 23.84A.024, 23.84A.046, and 23.86.010 of the Seattle Municipal Code to adopt permanent development regulations to promote compatible buildings on undersized single-family-zoned lots.

Summary of the Legislation: The proposal would amend certain standards relating to establishment or development of small lots in single-family zones.

An absolute minimum lot area requirement of 2,500 square feet would apply to most lots qualifying under the lot area exceptions provided in the code. The exception provided for historic lots of record prior to 1957 would be tightened to eliminate consideration of tax records and historic mortgages. Multiple vacant lots with areas less than 3,200 square feet on average would have to be consolidated rather than qualifying for separate development. Another lot area exception, the "75/80 Rule" would be modified and clarified to better achieve its intent, in particular creating more consistency in treatment of properties with frontage on more than one block front. A limited new exception, the "100 Percent Rule" would allow certain undersized lots to be created or separately developed if their area is no smaller than the mean area of the other lots on the same block front that are separately developed or qualify for separate development. Standards for adjustment of boundaries between undersized lots are also modified and clarified. This is currently addressed in several Director's Rules, a few of which have been superseded by a court ruling.

Development of lots under 3,200 square feet in area in any single-family zone would require a Type II approval, allowing public notice and the imposition of conditions to better ensure that new construction is compatible with its surroundings.

Development on lots less than 3,200 square feet in area (counting only the largest rectangle or quadrilateral within the lot lines) would be subject to lower height limits than generally apply in the zone. A base height of 18 feet would be allowed, or a base height of 22 feet if the structure has no more than two floors and a ten-foot floor-to-floor height on the ground floor. Up to five additional feet is allowed for pitched roofs.

A special provision (Section 23.24.046) allowing short subdivision where there are two existing houses would be repealed, and the code would be clarified to reflect that the unit lot subdivision and unit lot short subdivision processes are available to allow separate ownership of such houses.

Modification of definitions and measurement provisions relating to yards and lots is proposed, to clarify and to limit the practice of configuring lot lines to minimize required front yards in cases where lots lack street frontage.

Background: Since 2012 the City has been increasingly hearing strong reactions from residents about out-of-scale developments occurring on small lots in single-family zones. Some have expressed a concern that the lot area exceptions provided in the Land Use Code have been applied in ways that have led to unintended results, and that this is happening without notice to the neighbors, or any opportunity for administrative challenge. In September 2012 the City adopted interim standards for small lot development in Single Family zones (Ord. 123978) on an emergency basis. In September 2013 these standards were extended for another six months. The interim standards included some limits on the application of the lot area exception provided for historic lots of record prior to 1957, and also new, lower height limits for undersized lots that continued to qualify for separate development. During the period these interim measures have been in place, DPD has studied the issues, solicited public feedback and developed the current proposal.

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?**
No.
- b) **What is the financial cost of not implementing the legislation?**
None.
- c) **Does this legislation affect any departments besides the originating department?**
No.
- d) **What are the possible alternatives to the legislation that could achieve the same or similar objectives?**
No alternatives have been identified.
- e) **Is a public hearing required for this legislation?**
Yes. The City Council must hold a public hearing.
- f) **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle***

Times required for this legislation?

Yes. Publication of notice of the Council public hearing will be made in *The Daily Journal of Commerce* and in the City's Land Use Information Bulletin. Environmental review under the State Environmental Policy Act (SEPA) is also required for this legislation, and publication of notice of the environmental determination was made in *The Daily Journal of Commerce* and in the City's Land Use Information Bulletin on June 27, 2013 when similar legislation was first proposed.

g) Does this legislation affect a piece of property?

No specific piece of property is identified. Small lots that may qualify for separate development, or that previously qualified and may no longer qualify under this legislation, are found in single-family zones throughout the city.

h) Other Issues: None.

List attachments to the fiscal note below: None.



City of Seattle
Edward B. Murray
Mayor

February 25, 2014

Honorable Tim Burgess
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Burgess:

I am pleased to transmit the attached proposed Council Bill that would amend Land Use Code provisions for minimum lot area exceptions and development standards for structures built on small lots in single-family zones.

In 2012, in response to concerns that the existing standards were resulting in houses that were out of scale with the surrounding neighborhood, the City Council adopted emergency interim measures (Ordinance 123978). The measures limit the application of lot area exceptions and impose strict height limits on new houses built on very small lots that qualify for development. The adoption of these interim measures allowed time for the Department of Planning and Development (DPD) to obtain public input and develop comprehensive measures.

As a desirable place to live, Seattle will continue to be a growing city that must find positive ways to manage the growth that we are experiencing. The Land Use Code should help to promote new construction that fits in our neighborhoods.

The proposal balances the needs of new residents with those who currently call Seattle's neighborhoods home by limiting the circumstances under which lots can be considered separate buildable sites and applying new standards for building on small lots.

Thank you for your consideration of this legislation. Should you have questions, please contact Andy McKim at 684-8738.

Sincerely,

A handwritten signature in black ink, appearing to read "Edward B. Murray".

Edward B. Murray
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

Office of the Mayor
Seattle City Hall, 7th Floor
600 Fourth Avenue
PO Box 94749
Seattle, Washington 98124-4749

Tel (206) 684-4000
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Hearing Impaired use the Washington Relay Service (7-1-1)
www.seattle.gov/mayor

Director's Report: Proposed Amendments to Single Family Minimum Lot Area Exceptions, Standards for Small Lots in Single Family Zones, and Related Provisions

BACKGROUND

The Department of Planning and Development (DPD) is proposing Land Use Code amendments for small-lot development in single-family zones. The proposed amendments respond to concerns raised by residents in single-family neighborhoods where small lots, previously believed to be unbuildable, were proposed to be developed. The development often resulted in houses that were out of scale with existing neighborhoods and out of proportion to the size of the building site. In September 2012, the City Council adopted Ordinance 123978 as interim regulations for small-lot development in single-family zones. The interim regulations:

- eliminated one lot-area exemption that allowed lots to be established through historic County property tax records;
- established a minimum lot size of at least 50% of the minimum requirement of the zone; and
- imposed new height restrictions on houses proposed on lots of less than 3,750 square feet (s.f.).

The ordinance was adopted on an emergency basis and the effective time period was extended with the expectation that new standards are to be adopted by March 2014.

DPD solicited comments from the public, and sponsored a public panel discussion on November 14, 2012 that included neighborhood and developer representatives and a Seattle Planning Commissioner. A DPD representative attended a meeting of the Seattle Community Council Federation on November 27, 2012, and met with neighborhood and development representatives at their request. DPD also set up a web page with information about the issues under consideration and a mechanism to allow comments to be submitted.

On March 14, DPD staff presented their preliminary recommendations for code revisions to the City Council's Planning, Land Use and Sustainability Committee. Comments reflecting the views of neighbors, developers, planners, and parties interested in buying properties, received from over 100 individuals, were considered as this proposed legislation was developed.

The proposed amendments are consistent with the Comprehensive Plan goals and policies; therefore no amendments are needed to Seattle's Comprehensive Plan (see the Appendix to this report).

RECOMMENDATION SUMMARY

These recommendations are comprehensive, addressing issues described below. The proposals generally fall into three categories.

1. Modifying and clarifying exceptions to minimum lot area requirements

- **Minimum Lot Size:** Establish a standard absolute minimum of 2,500 s.f. for lots established under most lot area exceptions, and require a special exception review process for development of lots under 3,200 square feet in area. (Item 4 below)
- **75/80 Rule:** Maintain the 75/80 rule and revise/clarify the lot calculation. (Items 5 and 6)
- **100 Percent Rule:** Provide a limited new lot area exception for lots with areas equal to or greater than the mean area of the lots within the same block front. (Item 7)
- **Historic Lots, Deeds or Contracts:** Continue not to allow use of old tax records; discontinue use of historic mortgages and contracts of sale; and clarify use of deeds for establishing historic lot exceptions. (Items 8 and 9)
- **Developing Abutting Lots in Common Ownership:** Require historic lots that average less than 3,200 s.f. to be developed as a single lot. (Item 10)
- **Lot Line Adjustments:** Clarify use of lot boundary adjustments for creating lot area exceptions. (Item 12)

2. Development Standards for Single Family Homes on Undersized Lots

- **Structure Depth:** Limit structure depth to twice the lot width on historic lots less than 3,200 s.f. (Item 11)
- **Structure Height:** For lots under 3,200 sf, establish maximum height of 18 feet plus 5 feet for a pitched roof, or 22 feet plus 5 feet for a pitched roof for structures with no more than two floors and 10 foot floor-to-floor height on the ground floor. Extend these height limits to additions to existing houses as well as new structures. (Item 15)

3. Minor Code Adjustments and Clarifications

- **Multiple Houses, One Lot Clarifications:** Clarify that separate ownership for existing houses may be achieved through unit lot subdivision, and eliminate special subdivision provisions for multiple houses on a lot. (Items 1 and 2)
- **Revise Code Language:** Simplify lot area exceptions in subsection 23.44.010.B.1, and clarify that parcels that don't qualify for separate development must be included as a part of the building site when abutting property is developed. (Item 3)
- **Minimum Dimensions Clarified:** Clarify measurement for lot coverage purposes — at least 10 feet in all directions, rather than 10 feet in any direction. (Item 13)
- **Eliminate Exhibits for 23.44.010:** Delete graphics that are no longer relevant. (Item 14)

- Amend Definitions: Clarify "lot," "front lot line," "front yard," and "rear yard." (Items 16, 17 and 18)

RECOMMENDED CODE CHANGES

- 1. Modify Sections 23.22.062 and 23.24.045 to clarify that where two houses already exist on a single lot in a Single Family zone, the unit lot subdivision process may be applied to allow them to be separately owned.**

This would allow such a property to be divided solely for the purpose of separate ownership of the existing units, even if the unit lots are under 2,500 s.f., but would require development on the properties to be based on the development standards of the zone as applied to the combined property as if it were a single lot.

- 2. Delete Section 23.24.046, containing standards for approval of short plats for single lots with two existing houses.**

This provision was adopted based on an assumption that the unit lot subdivision process was not available to separate the ownership of two houses on a single lot (see Item 1). The proposed amendments would make clear that the unit lot subdivision process is available. Application of Section 23.24.046, which was originally intended to address issues related to existing structures, has had unintended consequences, as applicants have subdivided properties, demolished houses, then redeveloped the resulting lots with larger homes. The lots have sometimes been divided in creative ways to maximize potential structure size when the properties are redeveloped. If the properties are divided with a unit lot subdivision, any additions or redevelopment would be required to follow the yard and other standards applied based on the combined "parent" lot, so that permissible structure massing would be consistent with what is allowed for neighboring lots developed with a single home.

If Section 23.24.046 is retained, the Department would recommend that standards be adopted to limit redevelopment of the lots in a manner that is at odds with what is allowed on neighboring properties. In particular, the lots resulting from a Section 23.24.046 short plat should be made subject to platting standards adopted last year that generally limit new lots to no more than six sides and require all areas within the lots be at least ten feet wide. Section 23.24.046 short plats historically have been exempt from these standards. If the section is retained, modifying the development standards should be allowed only to the extent strictly necessary based on the configurations of the existing houses.

- 3. Rewrite the lot-area exceptions in Section 23.44.010.B.1 to make the wording simpler and more easily understood. Clarify that if a parcel does not qualify for separate development, it must be included as a part of the identified building site when abutting property under common ownership is developed.**

This makes explicit what has been the Department's general practice. It is intended to create parcels that do not qualify for separate development.

- 4. Establish a uniform absolute minimum area standard of 2,500 square feet for lots qualifying under most lot area exceptions, and require a special exception for development of lots under 3,200 square feet in area.**

Currently, under Section 23.44.010.B.1.b and 23.44.010.B.1.c, lots must have an area at least 50 percent of the general minimum requirement for the zone in order to qualify for lot area exceptions when lots have been reduced as a result of adverse possession or street condemnation. Prior to the interim ordinance, there were no absolute minimums for lots qualifying under the historic lot exception. The interim ordinance established a minimum of 50 percent of the general standard for the zone, i.e., 2,500 square feet in an SF 5000 zone. The proposal would establish a uniform minimum area of 2,500 square feet for these exceptions, for all single-family zones. This absolute minimum would not apply in the limited case of the 100 Percent Rule, see Item 7 below. An estimated 78 percent of lots in single-family zones are in SF 5000 zones. While this modification might allow a few additional lots to qualify for development in SF 7200 or SF 9600 zones, additional restrictions would apply for development on lots less than 3,200 square feet in area.

Developing lots under 3,200 s.f. would require a special exception review, a Type II approval requiring public notice and providing an opportunity for an appeal to the Hearing Examiner. Additional structure height and depth restrictions also would apply to lots under 3,200 s.f. See Items 11 and 15 below.

- 5. In calculating the mean area of lots on a block front for purposes of the 75/80 Rule, allow large lots developed with uses other than single-family houses to be excluded.**

The 75/80 Rule allows undersized lots to qualify for separate development if they have an area at least 75 percent of the general minimum lot area for the zone, and at least 80 percent of the mean area of the lots on the same block face and within the same zone. Currently, undeveloped lots that are comparable in area to neighboring properties, lots that would otherwise qualify under the exception, sometimes do not qualify for the exception because there is a large lot on the block front that is developed with a church, school, or park. Under this proposed amendment, lots developed with uses other than single-family residences may be excluded from the calculation.

Preparation of a Director's Rule is proposed to provide finer details about how the 75/80 Rule is to be applied, for example in the case of lots with multiple street frontages, irregular block configurations or split-zoned lots.

- 6. Add specific standards to clarify how the 75/80 Rule is applied under particular circumstances, such as in the case of lots with frontage on more than one street.**

Proposed new language resolves ambiguities and reflects how the code is currently being applied by DPD. Among other things the new language provides that a property may be counted as a separate lot for purposes of the 80 percent calculation only if it is currently developed separately or currently qualifies for separate development. Proposed language clarifies that the subject property may be excluded from the calculation of the mean area of lots on the block front in cases where property is being divided in a way that increases the number of building sites. This is consistent with DPD's long-standing practice with short plats, in order to avoid penalizing the owner of an existing large lot seeking to subdivide into smaller lots that are comparable in area to the other lots on the block front.

- 7. Adopt as a new lot area exception, the "100 Percent Rule," allowing separate development of a lot if its area is equal to or greater than the mean area of the lots on the same block front that are already separately developed, or qualify for separate development.**

This would allow infill development consistent with that on neighboring properties on blocks where the prevailing pattern already consists of small lots. No absolute minimum lot area is proposed for this exception but the number of new lots on a block front that can qualify under this exception cannot exceed the number of existing lots on which the calculation is based. In contrast to the 75/80 Rule, a limitation is placed on the number of lots that can qualify as a result of demolition of existing structures. These limitations are intended to ensure that the application of the rule will be limited to infill development on blocks that already largely consist of small lots, rather than redevelopment of blocks currently predominantly held or developed as larger properties.

- 8. For purposes of the Historic Lot Exception, Section 23.44.010.B.1.d, continue not to allow consideration of old tax records and also discontinue consideration of historic mortgages and sale contracts.**

The Historic Lot Exception applies to certain lots established as separate building sites in City or County records prior to 1957. Ever since 1957, when minimum lot area requirements were codified, Seattle's codes have provided an exception from lot area requirements for some lots of record. The original intent was to preserve investment-backed expectations that predated the minimum lot-area requirement. Neighbors have complained that this exception is applied based on arcane records that are difficult to interpret and as a result they have no way of knowing which undersized parcels in their neighborhoods might qualify. Further, in some cases the records relied on do not necessarily reflect an historic expectation that a property could be separately developed.

Reliance on historic tax records was discontinued under the interim ordinance, and DPD recommends that this change be maintained on a permanent basis. Some historic tax parcels were of shapes and sizes that are not suitable for separate development. The proposed

ordinance also eliminates reliance on historic mortgages, as a mortgage for a portion of a lot, alone, may not provide sufficient evidence that the lot was held with the expectation that it would be separately developed. Finally, sales contracts would not be a basis for a lot-area exception as a contract alone does not determine that a property was historically a separately developable parcel.

- 9. Add standards stating that a property is considered to have been established as a separate building site by a deed only if, as a result of the transaction, the parcel was or would have been held under separate ownership from all abutting properties.**

This language would make explicit a long-standing practice.

- 10. Add a new limitation on the historic lot exception, so that it cannot be applied to allow separate development of multiple, abutting undeveloped lots with an average area under 3,200 square feet.**

If a property includes multiple, abutting platted lots, this amendment would require that they be consolidated for development rather than separately developed under the historic lot exception if the lots are on average below 3,200 sf. This is comparable to a limitation that was included when a lot area exception for historic lots was first included in the code in 1957.

- 11. For lots qualifying under the Historic Lot Exception, establish a structure depth limit for development on lots under 3,200 square feet in area.**

Under the proposed legislation structure depth is limited to twice the lot width. This restores a provision that previously applied to lots under 2,500 square feet in area. In most cases, this standard would not be adding another requirement, as structure depth is already controlled by front and rear yard requirements and possibly lot coverage limits. In some cases, however, where the lot is narrow but deep, the requirement would prevent a very long shotgun-style house from being constructed.

- 12. Clarify that the lot lines of undersized lots may be modified through lot boundary adjustments, and that the resulting lots still qualify for a lot area exception so long as no additional lots are created, and either: (1) no undersized lots are made smaller; or (2) the boundaries between multiple undersized lots are being adjusted in a way that makes them more nearly equal in area. This would replace Director's Rule 13-97.**

The allowance for lot boundary adjustments involving lots that qualify for lot area exceptions is in Director's Rule 13-97. Currently, a lot qualifying under a lot area exception may not be reduced in size. Under the current standards, if a 4,000 s.f. parcel and a 2,000 s.f. parcel each qualify for separate development based on historic records, they may be reconfigured through a lot boundary adjustment resulting in a different 4,000 and 2,000 s.f. lots, and these lots will continue to qualify for separate development. The recommendation is also to allow a lot

boundary adjustment that would make the parcels more nearly equal in size. The intent behind this is that two houses on 3,000-square-foot lots, or one on 3,500 square feet and one on 2,500 square feet, would fit more gracefully into a neighborhood than a 4,000 and 2,000 s.f. lot.

Some people have suggested that lots qualifying for a lot area exception based on their historic status should no longer qualify for a lot area exception if they are modified through a lot boundary adjustment. The lot boundary adjustment process is, however, often applied to create lots that are better suited for development compatible with surrounding homes than the original qualifying lots would have been.

13. Clarify minimum-dimensional requirement for lot-coverage measurement.

The platting standards adopted in 2011 discouraged creating lots that included narrow panhandles or tendrils by allowing only portions of lots that are more than ten feet wide to count towards lot area for the purposes of determining allowable lot coverage. The adopted language required that those portions measure at least ten feet in any direction. The language would be clarified to require that those portions measure at least ten feet in all directions, which reflects the intent of the provision.

14. Eliminate Exhibits for 23.44.010.

Existing exhibits are out of date and not useful.

15. Establish a structure height of 18 feet with an allowance of up to 5 feet for a pitched roof on all lots or unit lots under 3,200 square feet. Allow an additional four feet for structures with a floor-to-floor height of at least ten feet at the ground floor, and habitable space on no more than two floors. This height would also apply on non-rectangular lots where the area of the largest rectangle or other quadrilateral that can be drawn within the lot lines is less than 3,200 square feet.

The interim standards applied a height limit of 22 feet with an allowance of 5 feet for a pitched roof on lots under 3,750 s.f. The recommendation is to lower the threshold lot area to 3,200 s.f. in light of the fact that lots larger than that have not triggered significant complaints. DPD's initial proposal for permanent measures would have limited the structure height on lots under 3,200 s.f. to 18 feet plus a five-foot allowance for pitched roofs, based on the cottage housing standards that apply in Lowrise Multifamily zones and Residential Small Lot zones. Comments were received, however, from architects pointing out that the 18-foot height limit would require cramped ceiling heights for a two-story house, and would require the first floor to be at grade rather than slightly above grade. With a little additional height, the house would be able to sit a few steps above the ground, providing a more compatible street presence. The proposed language provides flexibility for a comfortable ceiling height, and for second-story additions to existing houses that have tall main floors or main floors built several feet above

grade The intent is to accommodate a two-story house with comfortable ceiling heights. Small footprints with tall ceilings provide a more spacious feeling than lower ceiling heights.

Under the interim ordinance, the lower height limits were applied only to new developments, and only to lots that qualified for separate development under the Historic Lot Exception in subsection 23.44.010.B.1.d. The recommendation is to apply this limit both to new houses and also to additions to existing houses, on all lots with areas under 3,200 square feet in single-family zones, regardless of how they qualified for development. The limit would also apply to structures on unit lots where a single lot with multiple existing houses has been divided through a unit lot subdivision. This is because the potential impacts on neighbors of a substantial addition to an existing house on a small lot would be no different than the impacts of an identical new house built on a vacant lot of the same size, and no different depending on which lot area exception applied. DPD received a few comments from owners of existing houses. Some owners of existing houses indicated that the 18-foot limit originally proposed would make it difficult to add a second story to their existing house due to the existing configuration. By DPD's analysis, the 22-foot base height limit now proposed would provide the flexibility to allow a second story addition in most cases.

Considering the area of the largest rectangle or quadrilateral within the lot lines, rather than the total lot area in the case of non-rectangular lots removes the incentive to create irregular lots in order to gain square footage to qualify for larger structures. In cases where a lot is irregularly-shaped, the apparent area of the lot, based on where the development may occur, is typically smaller, and this provision is intended to hold the development to a scale appropriate for the developable portion of the lot. Allowing quadrilaterals to be used rather than rectangles is reasonable as the corners of many lots are not perfect right angles.

16. Amend the definition of "lot" to allow it to mean "building site" in the proper context.

This would modify the definition so that it is consistent with the way the word is used in the code. Under the current definition, a parcel of land may qualify as a "lot" even though it has been developed in conjunction with adjacent land and does not qualify for separate development on its own. As used in the code, however, the word generally refers to a parcel that is separately developed, or is proposed to be separately developed.

17. Amend definitions of "front lot line," "front yard" and "rear yard" in Chapter 23.84A, and the yard measurement provision in Section 23.86.010, to clarify existing code interpretation practices for lots with no street frontage and lots with frontage on multiple streets, and also to discourage the creation of irregular lot configurations intended to minimize front yard requirements.

This codifies DPD's existing code interpretation practice for determining what orientation should be identified for yard standard purposes for an existing house on a lot capable of multiple orientations because the house and lot has no street frontage or has frontage on

multiple streets. It also is intended to limit the practice of using a panhandle-shaped portion of a property to meet the front yard requirement in order to minimize the area of the portion of the lot set aside as a front yard.

18. Change all references to "block face" throughout Title 23 to "block front," and clarify definition to address irregular block configurations.

The terms "block face" and "block front" are currently identically defined and used interchangeably in the Land Use Code. And the current definition does not provide for irregular block configurations. The amendment would explicitly provide flexibility so that the 75/80 Rule and 100 Percent Rule may be applied based on the context of the street frontage of the subject property on blocks that don't meet the standard configuration reflected by the current language. This would not represent a change in the way that the 75/80 Rule has been applied but would clarify how it is already being applied.

CODE CHANGES SUGGESTED BY STAKEHOLDERS BUT NOT RECOMMENDED BY DPD

DPD analyzed other options proposed by developers, design professionals, and other individuals. Two of these options are presented below for the sake of discussion but are not recommended by DPD.

1. Impose a floor area ratio ("FAR") limit.

In addition to the height and structure depth limits recommended above, other potential development standards have also been discussed for houses on very small lots, including limits on total floor area or adoption of a FAR limit. These options are not recommended based on our conclusion that the existing yard requirements and lot coverage limits, together with proposed structure height and depth limits, will adequately control the bulk of houses on small lots. Further standards would complicate designing and reviewing plans for new houses while adding little size-limiting benefit. A FAR limit would not effectively limit the exterior appearance of bulk of a structure unless ceiling height is limited as well.

One concern that has led design professionals to propose an FAR limit is that absent such a limit, developers will respond to the new height limits by maximizing the volume of the structure within the allowed height, resulting in flat, uninteresting façades, whereas if development were further limited by an FAR limit, they might set buildings back more than required by yard standards, and provide features such as covered porches, adding to the visual interest of the houses. Recognizing that this may be an issue that is not limited to developments on small lots, DPD proposes that modifications to standards such as limitations to features allowed in required yards be deferred and considered in the future if general modifications to single-family standards are considered.

2. Allow additional development opportunity on block-ends.

Design professionals have proposed that the City consider creating an opportunity for additional development by allowing new houses to be built facing side streets, in the areas behind existing corner houses. These areas typically are perceived as street-facing rear yards of corner houses, and in some cases, they have a significant amount of street frontage, so that a house placed in such an area would appear less "squeezed in" than some other infill opportunities that are allowed, and would possibly create less of an imposition on the privacy of neighbors' yards than mid-block backyard houses would.

This may be a comparatively attractive way to allow additional density in single-family areas while maintaining well-ordered streetscapes. Many lots have been created in the past throughout the city that face side streets, and many of these fit in well with their neighborhoods. The impetus for the current effort was to rein in perceived inappropriate development on lots qualifying for lot area exceptions, and this corner lot proposal that would create a new lot area exception, appears to be beyond the scope of that mission, so DPD has not included this in this set of recommendations.

Two of the houses that have been controversial and generated much input towards this proposal have been houses on block ends, facing side streets. In both of those cases, however the height of the structure was a significant issue, and the structures would now be subject to additional height restrictions. An amendment to achieve this corner lot change would likely have to modify rear yard requirements, and possibly lot coverage limits, that apply to corner houses.

Appendix: Relevant Comprehensive Plan Provisions

The Comprehensive Plan identifies the following goals for Single Family zones:

LUG8 Preserve and protect low-density, single-family neighborhoods that provide opportunities for home-ownership, that are attractive to households with children and other residents, that provide residents with privacy and open spaces immediately accessible to residents, and where the amount of impervious surface can be limited.

LUG9 Preserve the character of single-family residential areas and discourage the demolition of single-family residences and displacement of residents, in a way that encourages rehabilitation and provides housing opportunities throughout the city. The character of single-family areas includes use, development, and density characteristics.

LUG10 Provide for different intensities of single-family areas to reflect differences in the existing and desired character of single-family areas across the city. Allow development that is generally consistent with the levels of infrastructure development and environmental conditions in each area. Include opportunities for low-cost subsidized housing in single-family areas.

Two specific policies relating to lot area requirements and exceptions are provided:

LU66 Use minimum lot size requirements to maintain a low-density residential environment while reflecting differences in development conditions and the densities and scale of housing in various single-family residential areas.

LU67 Permit exceptions to minimum lot size requirements to recognize building sites created in the public records under previous codes, to allow the consolidation of very small lots into larger lots, to adjust lot lines to permit more orderly development patterns, and to provide housing opportunity through the creation of additional buildable sites which are compatible with surrounding lots and do not result in the demolition of existing housing.