Legislative Department
Seattle City Council
Memorandum

Date: April 15, 2014

To: Planning Land Use and Sustainability Committee

From: Ketil Freeman, Central Staff

Subject: Council Bill 118052 - Undersized Single Family Lots – Issues Under Assessment.

Introduction

This memorandum sets out those issues that are currently being assessed by staff and may lead to future amendments to Council Bill (C.B.) 118052. Additional issues may be identified through public testimony at the Planning Land Use and Sustainability Committee hearing on April 18th, correspondence from constituents, and ongoing staff review.

Issue	Discussion
Heights and Floor Area for Lots Less than 3200 Square Feet - Should the Council amend the proposal to allow greater height or additional floor area for development on lots less than 3200 square feet and, if so, should those allowances distinguish between additions to existing structures and construction of wholly new structures?	C.B. 118052 would establish a height limit for development on small lots of 18' + 5' for a pitched roof, or 22' + 5' for a pitched roof if the structure is limited to two floors, and a 10' floor-to-floor height is provided on the main level. This is intended to prevent tall, skinny houses on small lots, but allow two levels with comfortable ceiling heights. There may be other ways to the meet this intent. The limit, as currently proposed, would prevent two-story homes over basements. The proposal also may be overly restrictive where abutting lots are already developed with taller houses and, if implemented, may disappoint the investment-backed expectations of owners who purchased homes on small lots with the intent to make additions.
Notice to Neighbors – Should the Council amend the proposal to provide notice of application for permits, such as lot boundary adjustments, that could lead to construction on undersized lots?	Public notice is generally triggered under the Land Use Code for land use decisions that require some exercise of discretion by the DPD Director. These types of decisions also come with an opportunity for appeal to the City Hearing Examiner. As proposed, new development on lots under 3200 square feet would require public notice and would be appealable to the City Hearing Examiner. Some constituents have expressed a desire for additional notice when the boundaries of lots are adjusted to make undersized lots more developable. This would provide near neighbors with early notice should any want to challenge a City lot boundary adjustment decision in Superior Court.
"100% Rule" – Should the Council approve an additional exception to minimum lot area requirements?	C.B. 118052 would create a limited new exception to minimum lot area standards that would allow development on existing or new undersized lots that are at least equal to the mean lot area of lots on the same block front. This would allow limited infill development on bocks with an existing platting pattern of small lots. However, it would also establish a new process for creating lots that do not meet the minimum lot area requirements of single family zones.
Other Non-substantive Issues	Staff has identified some potential non-substantive amendments that could be useful clarifications of existing and proposed language. These amendments could be incorporated into a substitute bill that would serve as the base for any substantive amendments recommended by the Committee.