

ORDINANCE No. 119368

COUNCIL BILL No. 112549

ORDINANCE

AN ORDINANCE modifying the Demonstration Program for Innovative Housing Design established by Ordinance 119241 by adding an additional type of cottage housing developments to be tested, clarifying the height departure for detached accessory dwelling units, and amending Section 23.40.050 of the Seattle Municipal Code.

Honorable President:

Your Committee on

to which was referred the within Council report that we have considered the same

COMPTROLLER FILE No.

Introduced: <u>JAN 19 1999</u>	By: <u>DRAGO</u>
Referred: <u>JAN 19 1999</u>	To: <u>Business, Economic &amp; Community Development Committee</u>
Referred:	To:
Referred:	To:
Reported: <u>2-8-99</u>	Second Reading:
Third Reading: <u>2-8-99</u>	Signed: <u>2-8-99</u>
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01-0017

SNED 45 YSP 17703

# Law Department

## The City of Seattle--Legislative Department

### REPORT OF COMMITTEE

Date Reported  
and Adopted

able President:

omitted on

h was referred the within Council Bill No.

that we have considered the same and respectfully recommend that the same:

1/26/99 BECD Do <sup>by</sup> pass amended

Yea Drago, Donaldson

3-99 Full Council Passed 9-0

Committee Chair



ORDINANCE

119368

AN ORDINANCE modifying the Demonstration Program for Innovative Housing Design established by Ordinance 119241 by adding an additional type of cottage housing developments to be tested, clarifying the height departure for detached accessory dwelling units, and amending Section 23.40.050 of the Seattle Municipal Code.

WHEREAS, the City Council adopted Ordinance 119241 on November 30, 1998 and the Mayor signed it on December 2, 1998; and

WHEREAS, Ordinance 119241 included a recital stating that "the Department of Construction and Land Use will continue to review whether the Demonstration Program should include demonstration projects to test whether to allow further flexibility for cottage housing developments in an effort to encourage such developments and will propose possible amendments to the Demonstration Program by mid-January 1999;" and

WHEREAS, the Department of Design, Construction and Land Use (DCLU) has performed the review required by Ordinance 119241 and on the basis of the DCLU recommendation the City Council now wishes to modify the Demonstration Program to include demonstration projects to test increased density in cottage housing developments under certain limited conditions and to test the concept of allowing increased height for accessory garage structures in cottage housing developments, up to the same height limit as the departures allowed for principal structures in cottage housing developments, when the additional dwelling units allowed by the test for increased density are contained in accessory garage structures; and

WHEREAS, the DCLU has also learned that the standard for height departures for detached accessory dwelling units contained in Ordinance 119241 for demonstration projects is ambiguous and does not clearly reflect the intent of either DCLU or the Council:

WHEREAS, the City Council desires to: 1) increase the number of demonstration projects allowed for the Cottage Housing, Tandem Housing or Small Lot Single Family Development category under the Demonstration Program adopted by Ordinance 119241 by four to a total of ten; 2) divide the Cottage Housing, Tandem Housing or Small Lot Single Family Development category into Type A and Type B projects, with Type A describing the category of projects previously adopted by Ordinance 119241, and Type B describing the type of demonstration projects that will be allowed pursuant to this ordinance; 3) set four as the maximum number of Type B projects that may be approved (two in an interim March, 1999 submittal period and two in the July, 1999 submittal period); and 4) clarify the standards for height

1 departures for detached accessory dwelling units to be included in the demonstration  
2 program;

3  
4 **NOW THEREFORE,**

5  
6 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

7  
8 **Section 1. Clarification of Height Departure for Detached Accessory Dwelling**  
9 **Units.**

10  
11 Of the four categories of projects to be tested by the Demonstration Program adopted by  
12 Ordinance 119241, the first category, "Detached Accessory Dwelling Units," is revised to  
13 make it clear that the additional height that may be approved through the administrative  
14 Design Review process for these demonstration projects is to allow testing of detached  
15 accessory dwelling units of similar height as a detached accessory unit located in a single  
16 story above a garage, not just detached accessory dwelling units that are contained solely in  
17 a single story above a garage.

18  
19 **Section 2. Cottage Housing, Tandem Housing or Small Lot Single Family**  
20 **Development.**

21  
22 Of the four categories of projects to be tested by the Demonstration Program adopted by  
23 Ordinance 119241, the second category, "Cottage Housing, Tandem Housing or Small Lot  
24 Single Family Development," is modified to include a second variation on the type of  
25 cottage housing development allowed and the category is divided into two subcategories –  
26 Type A and Type B projects. Type A projects include the cottage housing, tandem housing  
27 or small lot single family housing development demonstration projects described in  
28 Ordinance 119241.

29  
30 Type B projects will test cottage housing developments that have increased density beyond  
31 that currently allowed for cottage housing development and increased height in accessory  
32 garage structures above that currently allowed for either accessory or principle structures in  
33 cottage housing developments. As with all other demonstration projects, Design Review is  
34 required. A maximum of four Type B cottage housing development demonstration projects  
35 may be selected. No more than two may be selected in the interim submittal period provided  
36 by Section 4 of this Ordinance and no more than two may be selected in the July, 1999  
37 submittal period for the Demonstration Program.

38  
39 **Section 3. Type B Cottage Housing Development Projects.**

40  
41 Type B demonstration projects are intended to test for increased density in cottage housing  
42 developments in certain circumscribed instances and must comply with the following:

1  
2  
3 1. If the proposed demonstration project exceeds the maximum density allowed by  
4 SMC 23.43.012(B) for a cottage housing development, any housing units in excess of the  
5 maximum allowed by SMC 23.43.012 must be located above garages in accessory structures  
6 provided for the dwelling units in the cottage housing development;

7 2. The maximum number of above-garage units is one for every two cottage houses;

8 3. The accessory garage structures containing the additional units may be no higher  
9 than fifteen percent (15%) above the height limit set for principal structures in cottage  
10 housing developments;

11 4. Parking must be provided as required by Title 23 for each housing unit (both  
12 cottage houses and above-garage units); no parking waivers are allowed; and

13 5. The proposed project must otherwise comply with the development standards for  
14 cottage housing developments for Type A demonstration projects contained in Section 4(2)  
15 of Ordinance 119241 and SMC 23.40.050(B)(3) and all other provisions of Ordinance  
16 119241 applicable to cottage housing development demonstration projects except as  
17 specifically modified by this Ordinance.

#### 18 **Section 4. Submittal Deadlines.**

19  
20 There shall be two submittal periods for Type B cottage housing development demonstration  
21 projects:

22  
23 1. For Type B cottage housing development applications submitted by March 15,  
24 1999, selection decisions will be made by April 12, 1999.

25 2. For Type B cottage housing development applications submitted by July 1, 1999,  
26 selection decisions will be made by August 1, 1999.

#### 27 **Section 5. Density Limits**

28  
29  
30 Contrary to the provisions in Section 6 of Ordinance 119241, departures may be granted  
31 from the maximum density limits allowed for the types of housing being demonstrated for  
32 Type B cottage housing development, as provided in this ordinance.

#### 33 **Section 6. Program Reporting and Evaluation.**

34  
35  
36 1. Detached Accessory Dwelling Units. Evaluation criteria (a.) for Detached  
37 Accessory Dwelling Units contained in Section 7 (1) of Ordinance 119241 is deleted and  
38 replaced by the following: a. What are the appropriate development standards for detached  
39 ADUs that "fit" on a single family lot and within a single family neighborhood, but still  
40 allow the development of a livable unit? Is there a minimum lot size that would be  
41 appropriate? Should additional height above that currently allowed for accessory structures  
42 be allowed, and if so, should there be a maximum limit for the additional height? If

1 additional height is allowed, should it be allowed outright or through the administrative  
2 Design Review procedure? Does the process through which it is approved make any  
3 difference in the amount of additional height that may be allowed?

4 2. Type B Cottage Housing Demonstration Projects. The evaluation of Type B  
5 projects will include the following questions, instead of those questions listed in Ordinance  
6 119241 for the evaluation of cottage housing development demonstration projects:

7 a. Do the development standards already in the code for cottage housing  
8 developments, other than density limits, work for Type B cottage housing development?  
9 What development standards, including height, are appropriate for accessory structures?  
10 Should some standards be modified and if so, how?

11 b. What was the cost of construction? How did the additional density affect  
12 the per unit cost of construction? Does the additional density result in more affordable  
13 units? What are the factors that help or hinder the affordability of this type of development?

14 c. What do the neighbors think of this type of development? Is the number  
15 of units an issue with neighbors? What is the reaction of the residents of the housing in  
16 terms of livability of the unit and how it could be improved?

17 d. If Design Review is to be used for this type of development, are additional  
18 design guidelines needed to address more directly the issues relevant to this type of single  
19 family development?

20 e. Did this project provide a design concept that would likely be applicable  
21 and acceptable in other neighborhoods?

22 f. What were the positive results of this project? What were the negative  
23 results?

24 g. Were there any unintended consequences that need to be resolved?

25 h. Are there certain neighborhoods or types of neighborhoods that are more  
26 appropriate for this type of development than others?

27  
28 **Section 7.** Subsection B of Section 23.40.050, which was enacted by Ordinance  
29 119241, is hereby amended as follows:

30  
31 **23.40.050 Demonstration Program for Innovative Housing Design**

32  
33 \* \* \*

34 **B. Scope of Authority to Modify Land Use Code Requirements**

35  
36 Demonstration projects shall be selected and reviewed in accordance with the Demonstration  
37 Program for Innovative Housing Design adopted by Ordinance 119241. Each demonstration  
38 project shall comply with all of the requirements of the Land Use Code otherwise applicable  
39 to the project, except as specified below:

40 1. Each demonstration project, including single family development and  
41 redevelopment of existing structures, shall be reviewed through the Design Review process  
42 contained in SMC chapter 23.41 and in SMC chapter 23.76. Detached accessory dwelling

unit projects selected in category one of the Demonstration Program shall use the administrative Design Review process at SMC 23.41.016.

2. A maximum of ten (10) detached accessory dwelling units may be allowed in Single Family zones contrary to the requirement in SMC 23.44.006(A). For purposes of this ordinance, a "detached accessory dwelling unit" means an additional room or set of rooms that are located within a structure accessory to an owner-occupied single family structure, that is not connected to the principal structure and is designed, arranged, occupied or intended to be occupied by not more than one household as living accommodations independent from any other household. Such units must be developed according to the development standards for accessory structures and accessory dwelling units in Single Family zones, Sections 23.44.040 and 23.44.041, except that:

a. Contrary to SMC 23.44.041 (A)(4) the accessory dwelling unit may be located in a structure that is detached from the single family dwelling that is the principal use on the lot; and

b. Additional modifications to the development standards contained in SMC 23.44.040 and SMC 23.44.041 may be allowed as departures through the Design Review process under SMC Chapter 23.41.012; and

c. In addition to the development standard departures allowed in Section 23.41.012, a departure may be allowed for additional height (~~((if the accessory dwelling unit is a single story unit and will be located))~~) up to a maximum of two stories, in order to accommodate detached accessory dwelling units in a single story unit above a detached garage and other detached accessory dwelling units of a similar height, provided that, no height departure may be granted that would result in a structure that is higher than the maximum allowed for single family structures in single family zones other than lots zoned Residential Small Lot.

~~1-3.~~ A maximum of (~~six (6))~~ ten (10) projects that include cottage housing, tandem housing (~~and~~) or small lot single family development may be allowed in a Single Family zone, contrary to the minimum lot area requirements of SMC 23.44.010 and other development standards contained in SMC 23.44. Such development must comply with the Residential Small Lot development standards, SMC Chapter 23.43, except that modifications to the development standards contained in SMC 23.43 may be allowed as departures through the Design Review process as follows: -

a. A maximum of six (6) of these projects will be designated as Type A projects. For these Type A projects, ((F))in addition to the development standard departures allowed under SMC 23.41.012, departures may also be allowed for:

~~((a-))~~ (1) Additional height up to a maximum of fifteen (15) percent over the maximum allowed by SMC 23.43.012 for cottage housing, by SMC 23.43.010 for tandem housing and by SMC 23.43.008 for small lot single family development, provided that, no height departure may be granted that would result in a structure that is higher than the maximum allowed for single family structures in single family zones other than lots zoned Residential Small Lot.

1                    ~~((b-))~~ (2) The maximum total floor area of each cottage as required  
2 by SMC 23.43.012D, as long as the maximum amount of total floor area for the entire  
3 cottage housing development is not increased.

4                    b. A maximum of four (4) of these projects will be designated as  
5 Type B projects. For Type B projects, all of which must be in cottage housing  
6 developments, in addition to the development standard departures allowed under SMC  
7 23.41.012 and the departures allowed pursuant to SMC 23.40.050(B)(3)(a) for Type A  
8 projects, departures may also be allowed:

9                    (1) ~~((f-))~~ For increased density beyond that allowed by SMC  
10 23.43.012(B)(1) when

11                    ~~((f-))~~ the additional dwelling units are located above  
12 garages in accessory structures ~~((provided for dwelling units))~~ in the cottage housing  
13 development, and the maximum increase in dwelling unit density allowed by this  
14 demonstration project is fifty percent (50%) above that allowed by the current density limits  
15 contained in SMC 23.43.012(b)(1); and

16                    ~~((2-))~~ The maximum number of above-garage units is one (1)  
17 for every two (2) cottage houses;))

18                    (2) For additional height for accessory structures beyond the  
19 twelve feet (12') allowed by SMC 23.43.040 A.3, when the accessory structure contains a  
20 garage with above-garage dwelling units, up to a maximum of fifteen percent (15%) over the  
21 maximum allowed by SMC 23.43.012 C for principal structures in cottage housing  
22 developments, provided that no height departure may be granted that would result in an  
23 accessory structure that is higher than the maximum allowed for single family structures in  
24 single family zones other than lots zoned Residential Small Lot.

25                    4. A maximum of six (6) multifamily demonstration projects in a  
26 multifamily zone or as part of a mixed-use development project in a commercial zone  
27 outside of downtown, may be granted height departures through the Design Review process,  
28 contrary to SMC 23.41 which, with one exception, does not allow height departures. A  
29 height departure of up to fifteen (15) percent over the maximum height limit of the zone,  
30 may be allowed as long as:

31                    d. No additional floors are constructed as a result of this additional  
32 height;

33                    e. The overall scale of development as viewed from the street front  
34 has generally not increased; and

35                    f. the structure is compatible with the neighborhood, and with the  
36 scale of development allowed in the zone.

37                    g. A height exception under SMC 23.47.008C3 or C4 will not be  
38 requested as part of the project; and

39                    h. If private views protected by SMC 23.47.008C4c will be blocked  
40 by the demonstration project, no additional height greater than the additional height that  
41 could be granted by a height exception under SMC 23.47.008C4c may be granted by a  
42 height departure under the demonstration program.



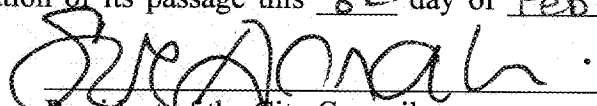
1                   5. A maximum of six (6) residential projects in an existing structure in  
2 multifamily or commercial zones outside of downtown, including mixed-use development,  
3 may use the Design Review process. Development standard departures currently allowed  
4 only for new development under SMC 23.41.012 may be granted for the redevelopment of  
5 these existing structures.  
6

7                   **Section 8.** The provisions of this ordinance are declared to be separate and  
8 severable. The invalidity of any particular provision shall not affect the validity of any other  
9 provision.  
10

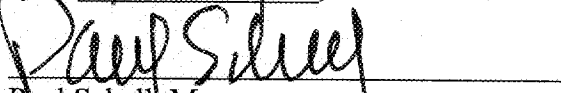
11                   **Section 9.** Any act pursuant to the authority and prior to the effective date of this  
12 ordinance is hereby ratified and confirmed.  
13

14                   **Section 10.** This ordinance shall take effect and be in force thirty (30) days from and  
15 after its approval by the Mayor, but if not approved and returned by the Mayor within ten  
16 (10) days after presentation, it shall take effect as provided by Municipal Code Section  
17 1.04.020.  
18

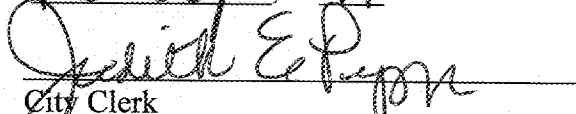
19                   Passed by the City Council the 8<sup>th</sup> day of February, 1999, and signed by  
20 me in open session in authentication of its passage this 8<sup>th</sup> day of February,  
21 1999.

22   
23 \_\_\_\_\_  
24 President of the City Council

25                   Approved by me this 16<sup>th</sup> day of February, 1999.

26   
27 \_\_\_\_\_  
28 Paul Schell, Mayor  
29

30                   Filed by me this 16 day of February, 19 99.

31   
32 \_\_\_\_\_  
33 City Clerk  
34

(SEAL)

BECD Committee

1/26/99

Amendments to C.B. 112549

1. Amend Section 4 (1) as follows:

1. For Type B cottage housing development applications submitted by March 1531, 1999, selection decisions will be made by April 1230, 1999.

2. Show Amendments to Section 7 as follows:

23.40.050 B. 2.c.

c. In addition to the development standard departures allowed in Section 23.41.012, a departure may be allowed for additional height ((if the accessory dwelling unit is a single story unit and will be located)) up to a maximum of two stories, in order to accommodate detached accessory dwelling units in a single story unit above a detached garage and other detached accessory dwelling units of a similar height, provided that, no height departure may be granted that would result in a structure that is higher than the maximum allowed for single family structures in single family zones other than lots zoned Residential Small Lot.

dem2cor.doc

## ORDINANCE

AN ORDINANCE modifying the Demonstration Program for Innovative Housing Design established by Ordinance 119241 by adding an additional type of cottage housing developments to be tested, clarifying the height departure for detached accessory dwelling units, and amending Section 23.40.050 of the Seattle Municipal Code.

WHEREAS, the City Council adopted Ordinance 119241 on November 30, 1998 and the Mayor signed it on December 2, 1998; and

WHEREAS, Ordinance 119241 included a recital stating that "the Department of Construction and Land Use will continue to review whether the Demonstration Program should include demonstration projects to test whether to allow further flexibility for cottage housing developments in an effort to encourage such developments and will propose possible amendments to the Demonstration Program by mid-January 1999;" and

WHEREAS, the Department of Design, Construction and Land Use (DCLU) has performed the review required by Ordinance 119241 and on the basis of the DCLU recommendation the City Council now wishes to modify the Demonstration Program to include demonstration projects to test increased density in cottage housing developments under certain limited conditions and to test the concept of allowing increased height for accessory garage structures in cottage housing developments, up to the same height limit as the departures allowed for principal structures in cottage housing developments, when the additional dwelling units allowed by the test for increased density are contained in accessory garage structures; and

WHEREAS, the DCLU has also learned that the standard for height departures for detached accessory dwelling units contained in Ordinance 119241 for demonstration projects is ambiguous and does not clearly reflect the intent of either DCLU or the Council:

WHEREAS, the City Council desires to: 1) increase the number of demonstration projects allowed for the Cottage Housing, Tandem Housing or Small Lot Single Family Development category under the Demonstration Program adopted by Ordinance 119241 by four to a total of ten; 2) ~~to~~ divide the Cottage Housing, Tandem Housing or Small Lot Single Family Development category into Type A and Type B projects, with Type A describing the category of projects previously adopted by Ordinance 119241, and Type B describing the type of demonstration projects that will be allowed pursuant to this ordinance; -3) ~~to~~ set four as the maximum number of Type B projects that may be approved (two in an interim March, 1999 submittal period and



## **Business, Economic & Community Development Committee**

### **Modifications to Housing Demonstration Program -- C.B. 112549**

Public Hearing: January 25, 1999

Committee Discussion and Possible Vote: January 26, 1999

**Background:** In December 1998, the Council adopted Ordinance 119241 establishing the Demonstration Program for Innovative Housing Design. At that time, the Council directed DCLU to continue to review whether the Demonstration Program should be expanded to include projects to test whether to allow further flexibility for cottage housing developments in an effort to encourage such developments. The Council asked DCLU to propose possible amendments by mid-January 1999.

**C.B. 112549:** In early January 1999, DCLU issued a Director's Report and submitted C.B. 112549 with proposed amendments to the Demonstration Program. Those amendments (actual code changes are shown with single underlines) would:

- Allow up to four cottage housing demonstration projects that test increased density in cottage housing developments under limited conditions. Additional density could be up to 50% currently allowed by code, but additional units must be located above garages, parking must be provided for all units, and project must comply with other conditions applicable to demonstration projects (such as design review).
- Clarify standards for height departures for accessory dwelling units in the Demonstration Program (language in the original ordinance -- Ord. 119241 -- was ambiguous and did not clearly reflect the intent of DCLU or the Council).

**Proposed Amendments to C.B. 112549:** After the Council Bill was introduced and referred to Committee, Central Staff, DCLU and the Law Department continued to work on the language. As a result, we have proposed some amendments to the Council Bill (shown with a double underline) that would:

- Clarify the maximum density limits for cottage housing (simply restates the limits originally proposed by DCLU, does not increase or decrease them).
- Adds a provision for additional height for cottage units above garages so that heights could be consistent with height limits for cottage units allowed in the Demonstration Program under Ordinance 119241.

**Possible Additional Amendments to C.B. 112549:** The Committee may want to explore additional amendments, such as changing the dates for applications and project selection, following the public hearing. If so, Central Staff, DCLU and the Law Dept. will be available to work on those possible amendments.

two in the July, 1999 submittal period); and 4) clarify the standards for height departures for detached accessory dwelling units to be included in the demonstration program;

**NOW THEREFORE,**

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

**Section 1. Clarification of Height Departure for Detached Accessory Dwelling Units.**

Of the four categories of projects to be tested by the Demonstration Program adopted by Ordinance 119241, the first category, "Detached Accessory Dwelling Units," is revised to make it clear that the additional height that may be approved through the administrative Design Review process for these demonstration projects is to allow testing of detached accessory dwelling units of similar height as a detached accessory unit located in a single story above a garage, not just detached accessory dwelling units that are contained solely in a single story above a garage.

**Section 2. Cottage Housing, Tandem Housing or Small Lot Single Family Development.**

Of the four categories of projects to be tested by the Demonstration Program adopted by Ordinance 119241, the second category, "Cottage Housing, Tandem Housing or Small Lot Single Family Development," is modified to include a second variation on the type of cottage housing development allowed and the category is divided into two subcategories – Type A and Type B projects. Type A projects include the cottage housing, tandem housing or small lot single family housing development demonstration projects described in Ordinance 119241.

Type B projects will test cottage housing developments that have increased density beyond that currently allowed for cottage housing development and increased height in accessory garage structures above that currently allowed for either accessory or principle structures in cottage housing developments. As with all other demonstration projects, Design Review is required. A maximum of four Type B cottage housing development demonstration projects may be selected. No more than two may be selected in the interim submittal period provided by Section 4 of this Ordinance and no more than two may be selected in the July, 1999 submittal period for the Demonstration Program.

**Section 3. Type B Cottage Housing Development Projects.**



Type B demonstration projects are intended to test for increased density in cottage housing developments in certain circumscribed instances and must comply with the following:

1. If the proposed demonstration project exceeds the maximum density allowed by SMC 23.43.012(B) for a cottage housing development, any housing units in excess of the maximum allowed by SMC 23.43.012 must be located above garages in accessory structures provided for the dwelling units in the cottage housing development;

2. The maximum number of above-garage units is one for every two cottage houses;

3. The accessory garage structures containing the additional units may be no higher than fifteen percent (15%) above the height limit set for principal structures in cottage housing developments;

4. Parking must be provided as required by Title 23 for each housing unit (both cottage houses and above-garage units); no parking waivers are allowed; and

5. The proposed project must otherwise comply with the development standards for cottage housing developments for Type A demonstration projects contained in Section 4(2) of Ordinance 119241 and SMC 23.40.050(B)(3) and all other provisions of Ordinance 119241 applicable to cottage housing development demonstration projects except as specifically modified by this Ordinance.

#### Section 4. Submittal Deadlines.

There shall be two submittal periods for Type B cottage housing development demonstration projects:

1. For Type B cottage housing development applications submitted by March 31, 1999, selection decisions will be made by April 30, 1999.

2. For Type B cottage housing development applications submitted by July 1, 1999, selection decisions will be made by August 1, 1999.

#### Section 5. Density Limits

Contrary to the provisions in Section 6 of Ordinance 119241, departures may be granted from the maximum density limits allowed for the types of housing being demonstrated for Type B cottage housing development, as provided in this ordinance.

#### Section 6. Program Reporting and Evaluation.

1. Detached Accessory Dwelling Units. Evaluation criteria (a.) for Detached Accessory Dwelling Units contained in Section 7 (1) of Ordinance 119241 is deleted and replaced by the following: a. What are the appropriate development standards for detached ADUs that "fit" on a single family lot and within a single family neighborhood, but still

1 allow the development of a livable unit? Is there a minimum lot size that would be  
2 appropriate? Should additional height above that currently allowed for accessory structures  
3 be allowed, and if so, should there be a maximum limit for the additional height? If  
4 additional height is allowed, should it be allowed outright or through the administrative  
5 Design Review procedure? Does the process through which it is approved make any  
6 difference in the amount of additional height that may be allowed?

7 2. Type B Cottage Housing Demonstration Projects. The evaluation of Type B  
8 projects will include the following questions, instead of those questions listed in Ordinance  
9 119241 for the evaluation of cottage housing development demonstration projects:

10 a. Do the development standards already in the code for cottage housing  
11 developments, other than density limits, work for Type B cottage housing development?  
12 What development standards, including height, are appropriate for accessory structures?  
13 Should some standards be modified and if so, how?

14 b. What was the cost of construction? How did the additional density affect  
15 the per unit cost of construction? Does the additional density result in more affordable  
16 units? What are the factors that help or hinder the affordability of this type of development?

17 c. What do the neighbors think of this type of development? Is the number  
18 of units an issue with neighbors? What is the reaction of the residents of the housing in  
19 terms of livability of the unit and how it could be improved?

20 d. If Design Review is to be used for this type of development, are additional  
21 design guidelines needed to address more directly the issues relevant to this type of single  
22 family development?

23 e. Did this project provide a design concept that would likely be applicable  
24 and acceptable in other neighborhoods?

25 f. What were the positive results of this project? What were the negative  
26 results?

27 g. Were there any unintended consequences that need to be resolved?

28 h. Are there certain neighborhoods or types of neighborhoods that are more  
29 appropriate for this type of development than others?

30  
31 **Section 7.** Subsection B of Section 23.40.050, which was enacted by Ordinance  
32 119241, is hereby amended as follows:

33  
34 **23.40.050 Demonstration Program for Innovative Housing Design**

35  
36 \* \* \*

37 **B. Scope of Authority to Modify Land Use Code Requirements**

38  
39 Demonstration projects shall be selected and reviewed in accordance with the Demonstration  
40 Program for Innovative Housing Design adopted by Ordinance 119241. Each demonstration

project shall comply with all of the requirements of the Land Use Code otherwise applicable to the project, except as specified below:

1. Each demonstration project, including single family development and redevelopment of existing structures, shall be reviewed through the Design Review process contained in SMC chapter 23.41 and in SMC chapter 23.76. Detached accessory dwelling unit projects selected in category one of the Demonstration Program shall use the administrative Design Review process at SMC 23.41.016.

2. A maximum of ten (10) detached accessory dwelling units may be allowed in Single Family zones contrary to the requirement in SMC 23.44.006(A). For purposes of this ordinance, a "detached accessory dwelling unit" means an additional room or set of rooms that are located within a structure accessory to an owner-occupied single family structure, that is not connected to the principal structure and is designed, arranged, occupied or intended to be occupied by not more than one household as living accommodations independent from any other household. Such units must be developed according to the development standards for accessory structures and accessory dwelling units in Single Family zones, Sections 23.44.040 and 23.44.041, except that:

a. Contrary to SMC 23.44.041 (A)(4) the accessory dwelling unit may be located in a structure that is detached from the single family dwelling that is the principal use on the lot; and

b. Additional modifications to the development standards contained in SMC 23.44.040 and SMC 23.44.041 may be allowed as departures through the Design Review process under SMC Chapter 23.41.012; and

c. In addition to the development standard departures allowed in Section 23.41.012, a departure may be allowed for additional height up to a maximum of two stories, in order to accommodate detached accessory dwelling units in a single story unit above a detached garage and other detached accessory dwelling units of a similar height, provided that, no height departure may be granted that would result in a structure that is higher than the maximum allowed for single family structures in single family zones other than lots zoned Residential Small Lot.

~~1-3.~~ 3. A maximum of ~~((six (6)))~~ ten (10) projects that include cottage housing, tandem housing ~~((and))~~ or small lot single family development may be allowed in a Single Family zone, contrary to the minimum lot area requirements of SMC 23.44.010 and other development standards contained in SMC 23.44. Such development must comply with the Residential Small Lot development standards, SMC Chapter 23.43, except that modifications to the development standards contained in SMC 23.43 may be allowed as departures through the Design Review process as follows:

a. A maximum of six (6) of these projects will be designated as Type A projects. For these Type A projects, ((F))in addition to the development standard departures allowed under SMC 23.41.012, departures may also be allowed for:

~~((a-))~~ (1) Additional height up to a maximum of fifteen (15) percent over the maximum allowed by SMC 23.43.012 for cottage housing, by SMC 23.43.010 for

1 tandem housing and by SMC 23.43.008 for small lot single family development, provided  
2 that, no height departure may be granted that would result in a structure that is higher than  
3 the maximum allowed for single family structures in single family zones other than lots  
4 zoned Residential Small Lot.

5 ~~((b-))~~ (2) The maximum total floor area of each cottage as required  
6 by SMC 23.43.012D, as long as the maximum amount of total floor area for the entire  
7 cottage housing development is not increased.

8 b. A maximum of four (4) of these projects will be designated as  
9 Type B projects. For Type B projects, all of which must be in cottage housing  
10 developments, in addition to the development standard departures allowed under SMC  
11 23.41.012 and the departures allowed pursuant to SMC 23.40.050(B)(3)(a) for Type A  
12 projects, departures may also be allowed:

13 (1) ~~((f))~~ For increased density beyond that allowed by SMC  
14 23.43.012(B)(1) when

15 ~~(((1) - F))~~ the additional dwelling units are located above  
16 garages in accessory structures provided for dwelling units in the cottage housing  
17 developments, and the maximum increase in dwelling unit density allowed by this  
18 demonstration project is fifty percent (50%) above that allowed by the current density limits  
19 contained in SMC 23.43.012(b)(1); and

20 ~~(((2) - The maximum number of above garage units is one (1)~~  
21 ~~for every two (2) cottage houses.))~~

22 (2) For additional height for accessory structures beyond the  
23 twelve feet (12') allowed by SMC 23.43.040 A.3, when the accessory structure contains a  
24 garage with above-garage dwelling units, up to a maximum of fifteen percent (15%) over the  
25 maximum allowed by SMC 23.43.012 C for principal structures in cottage housing  
26 developments, provided that no height departure may be granted that would result in an  
27 accessory structure that is higher than the maximum allowed for single family structures in  
28 single family zones other than lots zoned Residential Small Lot.

29 4. A maximum of six (6) multifamily demonstration projects in a  
30 multifamily zone or as part of a mixed-use development project in a commercial zone  
31 outside of downtown, may be granted height departures through the Design Review process,  
32 contrary to SMC 23.41 which, with one exception, does not allow height departures. A  
33 height departure of up to fifteen (15) percent over the maximum height limit of the zone,  
34 may be allowed as long as:

35 d. No additional floors are constructed as a result of this additional  
36 height;

37 e. The overall scale of development as viewed from the street front  
38 has generally not increased; and

39 f. the structure is compatible with the neighborhood, and with the  
40 scale of development allowed in the zone.

g. A height exception under SMC 23.47.008C3 or C4 will not be requested as part of the project; and

h. If private views protected by SMC 23.47.008C4c will be blocked by the demonstration project, no additional height greater than the additional height that could be granted by a height exception under SMC 23.47.008C4c may be granted by a height departure under the demonstration program.

5. A maximum of six (6) residential projects in an existing structure in multifamily or commercial zones outside of downtown, including mixed-use development, may use the Design Review process. Development standard departures currently allowed only for new development under SMC 23.41.012 may be granted for the redevelopment of these existing structures.

**Section 8.** The provisions of this ordinance are declared to be separate and severable. The invalidity of any particular provision shall not affect the validity of any other provision.

**Section 9.** Any act pursuant to the authority and prior to the effective date of this ordinance is hereby ratified and confirmed.

**Section 10.** This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 1999, and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 1999.

\_\_\_\_\_  
President of the City Council

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 1999.

\_\_\_\_\_  
Paul Schell, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
City Clerk

(SEAL)



**Director's Report and Recommendations**  
**Department of Design, Construction and Land Use**

**Proposed Modifications to the**  
**Demonstration Program for Innovative Housing Design**  
**January 8, 1999**

---

The Demonstration Program for Innovative Housing Design was adopted by the City Council on November 30, 1998, signed by the Mayor on December 2, 1998, and became effective January 1, 1999 (Ordinance 119241). During the Council discussions of the original proposal, Council asked the Department of Construction and Land Use to review further proposals for variations on the cottage housing development concept, and to propose further revisions to the Demonstration Ordinance by mid-January, if appropriate.

The department reviewed additional cottage development concepts to determine if they would be consistent with the goals and purposes of the Demonstration Ordinance. This report describes a recommendation for further modification to the Demonstration Ordinance.

**The Proposal**

This proposal would allow additional flexibility for cottage development. The basic development standards for the project, such as lot coverage and height, would remain the same as in the recently adopted Demonstration Ordinance. The difference would be in the number of units allowed. This new proposal would test the concept of number of units versus appearance of the overall development – is one more important than the other? The argument has been made that the number of units is often more an issue of parking than how a development fits into a neighborhood. Therefore, as long as parking is provided for all units, does the number of units make a difference in terms of how the development fits in with the neighborhood, or is the more important factor the design of the development?

The above concept is to be tested with this proposal. However, in order to provide some limitations on the overall number of units and the impact of development, the following conditions have been proposed:

1. Any additional units beyond the current density limit, must be provided as above-garage units. This would tend to encourage a smaller and potentially more affordable unit, without adding significantly to the overall footprint and scale of the development.

2. Additional units would be limited to one above-garage unit per two cottage houses. This would limit the allowable density and therefore provide predictability in terms of maximum density of development.
3. Parking would be required for each unit, both cottage houses and the above-garage units, and no parking waivers could be granted. This would ensure that parking was provided for each unit, thus providing predictability about the amount of parking for the development.

In addition, the height departure for detached accessory dwelling units (ADUs) has been clarified to reflect the original intent. As stated in the adopted ordinance, height departures may be allowed through Design Review for a single-story accessory unit above a garage. This has been revised to make it clear that the intent is to also allow a structure similar in height to a single-story unit above a garage. For example, one could propose a two-story accessory dwelling unit that is independent of a garage.

### **The Recommendation**

The department recommendation is to allow the above proposed additional type of cottage housing development as a type of demonstration project that may be selected for the program. As with all other demonstration projects, the same selection process would be required including an indication of neighborhood support and opportunity for surrounding neighbors to comment on the proposal before it is selected to be a demonstration project. Design Review would be required, and the proposals would be included in the overall evaluation of the program.

Since the first deadline for submittal of projects will have passed by the time this ordinance is considered, an interim submittal period is included in the proposal – March 31, 1999 for submittal, with selection decisions for this type of project to be made by April 30, 1999. The interim submittal period would only apply to this additional type of cottage development.

The department recommends that the maximum number of projects that may be selected for the Demonstration Program be established according to the following:



Type of Project	Maximum Number of Projects Selected Per Submittal Period			Total: Maximum Number of Projects
	1/15/99	3/31/99	7/1/99	
Detached Accessory Dwelling Units	Up to 5	NA	Up to 5	Up to 10
Cottage, Tandem, Small Lot SF Development				
• Type A Cottage, Tandem, Small Lot SF Development	Up to 3	NA	Up to 3	Up to 6
• Type B Cottage Development	NA	Up to 2	Up to 2	Up to 4
MF Height Departure	Up to 3	NA	Up to 3	Up to 6
MF Development Standard Departures for Existing Structures	Up to 3	NA	Up to 3	Up to 6

SF: Single family  
MF: Multifamily  
NA: Not applicable

In addition, the department recommends that the height departure allowed through Design Review for detached accessory dwelling units be clarified to allow not only single-story units above garages, but accessory dwelling units that are a similar height, such as a two-story accessory dwelling unit.

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**Public Hearing:** The hearing on the proposal will be held before the Business, Economic and Community Development Committee on:

Monday, January 25, 1999 at 5:30 pm  
Council Chamber, 11<sup>th</sup> floor of the Municipal Building  
600 Fourth Avenue

**Written Comments:** Written comments will be accepted through Monday, January 25, 1999, and should be sent to:

Councilmember Jan Drago, Chair  
Business, Economic and Community Development Committee  
600 Fourth Avenue  
Seattle, Washington 98104  
Attention: Dan McGrady

**Questions:** Please contact Diane Sugimura, Department of Design, Construction and Land Use at [diane.sugimura@ci.seattle.wa.us](mailto:diane.sugimura@ci.seattle.wa.us) or by calling 233-3882.

## MEMORANDUM

**TO:** Sue Donaldson, City Council President  
**FROM:** Rick Krochalis,  
**DATE:** January 15, 1999  
**SUBJECT:** Proposed Ordinance: Modifications to the Demonstration Ordinance

### Transmittal

I am pleased to transmit for City Council consideration legislation to modify the Demonstration Ordinance adopted November 30, 1998, and to amend the Land Use Code.

### Background and Recommendation

At time of adoption, the Council requested that the Department of Design, Construction and Land Use conduct further review of cottage housing options. Since that time, we have reviewed the adopted ordinance and proposals submitted to the AIA Seattle Design Demonstration Project. We are now proposing a modification to the original ordinance, which includes the following:

- Cottage Housing Variation: This proposal adds a second type of cottage housing development which would allow additional units to be developed above the garages of the cottage development, as long as they were limited to one above-garage unit per two cottage houses.
- Clarification of Allowed Height Departures for Detached Accessory Dwelling Units: This clarifies that the height departure allowed for detached accessory dwelling units is intended to accommodate single-story units above garages, as well as structures of similar height such as units that are adjacent to and above the garage or two-story units.

### **SEPA Environmental Determination**

DCLU is preparing the environmental review, which will be published January 21, 1999. The appeal period ends February 3, 1999.

### **Public Hearing Scheduled**

A public hearing for this legislation has been scheduled before the City Council's Business, Economic and Community Development Committee on Monday, January 25, 1999 at 5:30 pm in the City Council Chamber.

### **Cost of Implementation**

The cost of implementation of this proposed legislation will be covered with existing resources. There would be one-time implementation costs to cover staff training, copying of ordinances, and printing of new Land Use Code pages. There may also be up to four more Design Review projects as a result of this proposal, and an additional cost for public notification to neighbors surrounding proposed demonstration projects.

If you have questions about the proposed legislation, please contact Diane Sugimura, DCLU, 233-3882.



## ORDINANCE

AN ORDINANCE modifying the Demonstration Program for Innovative Housing Design established by Ordinance 119241 by adding an additional type of cottage housing developments to be tested, clarifying the height departure for detached accessory dwelling units, and amending Section 23.40.050 of the Seattle Municipal Code.

WHEREAS, the City Council adopted Ordinance 119241 on November 30, 1998 and the Mayor signed it on December 2, 1998; and

WHEREAS, Ordinance 119241 included a recital stating that "the Department of Construction and Land Use will continue to review whether the Demonstration Program should include demonstration projects to test whether to allow further flexibility for cottage housing developments in an effort to encourage such developments and will propose possible amendments to the Demonstration Program by mid-January 1999;" and

WHEREAS, the Department of Design, Construction and Land Use (DCLU) has performed the review required by Ordinance 119241 and on the basis of the DCLU recommendation the City Council now wishes to modify the Demonstration Program to include demonstration projects to test increased density in cottage housing developments under certain limited conditions; and

WHEREAS, the DCLU has also learned that the standard for height departures for detached accessory dwelling units contained in Ordinance 119241 for demonstration projects is ambiguous and does not clearly reflect the intent of either DCLU or the Council:

WHEREAS, the City Council desires to 1) increase the number of demonstration projects allowed for the Cottage Housing, Tandem Housing or Small Lot Single Family Development category under the Demonstration Program adopted by Ordinance 119241 by four to a total of ten; 2) to divide the Cottage Housing, Tandem Housing or Small Lot Single Family Development category into Type A and Type B projects, with Type A describing the category of projects previously adopted by Ordinance 119241, and Type B describing the type of demonstration projects that will be allowed pursuant to this ordinance; 3) to set four as the maximum number of Type B projects that may be approved (two in an interim March, 1999 submittal period and two in the July, 1999 submittal period); and 4) clarify the standards for height

1 departures for detached accessory dwelling units to be included in the demonstration  
2 program;  
3

4  
5 **NOW THEREFORE,**  
6

7 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**  
8

9 **Section 1. Clarification of Height Departure for Detached Accessory Dwelling**  
10 **Units.**  
11

12 Of the four categories of projects to be tested by the Demonstration Program adopted by  
13 Ordinance 119241, the first category, "Detached Accessory Dwelling Units," is revised to  
14 make it clear that the additional height that may be approved through the administrative  
15 Design Review process for these demonstration projects is to allow testing of detached  
16 accessory dwelling units of similar height as a detached accessory unit located in a single  
17 story above a garage, not just detached accessory dwelling units that are contained solely in  
18 a single story above a garage.  
19

20 **Section 2. Cottage Housing, Tandem Housing or Small Lot Single Family**  
21 **Development.**  
22

23 Of the four categories of projects to be tested by the Demonstration Program adopted by  
24 Ordinance 119241, the second category, "Cottage Housing, Tandem Housing or Small Lot  
25 Single Family Development," is modified to include a second variation on the type of  
26 cottage housing development allowed and the category is divided into two subcategories –  
27 Type A and Type B projects. Type A projects include the cottage housing, tandem housing  
28 or small lot single family housing development demonstration projects described in  
29 Ordinance 119241.  
30

31 Type B projects will test cottage housing developments that have increased density beyond  
32 that currently allowed for cottage housing development. As with all other demonstration  
33 projects, Design Review is required. A maximum of four Type B cottage housing  
34 development demonstration projects may be selected. No more than two may be selected in  
35 the interim submittal period provided by Section 4 of this Ordinance and no more than two  
36 may be selected in the July, 1999 submittal period for the Demonstration Program.  
37

38 **Section 3. Type B Cottage Housing Development Projects.**  
39

40 Type B demonstration projects are intended to test for increased density in cottage housing  
41 developments in certain circumscribed instances and must comply with the following:

1. If the proposed demonstration project exceeds the maximum density allowed by SMC 23.43.012(B) for a cottage housing development, any housing units in excess of the maximum allowed by SMC 23.43.012 must be located above garages provided for the dwelling units in the cottage housing development;
2. The maximum number of above-garage units is one for every two cottage houses;
3. Parking must be provided as required by Title 23 for each housing unit (both cottage houses and above-garage units); no parking waivers are allowed; and
4. The proposed project must otherwise comply with the development standards for cottage housing developments for Type A demonstration projects contained in Section 4(2) of Ordinance 119241 and SMC 23.40.050(B)(3) and all other provisions of Ordinance 119241 applicable to cottage housing development demonstration projects except as specifically modified by this Ordinance.

#### **Section 4. Submittal Deadlines.**

There shall be two submittal periods for Type B cottage housing development demonstration projects:

1. For Type B cottage housing development applications submitted by March 31, 1999, selection decisions will be made by April 30, 1999.
2. For Type B cottage housing development applications submitted by July 1, 1999, selection decisions will be made by August 1, 1999.

#### **Section 5. Density Limits**

Contrary to the provisions in Section 6 of Ordinance 119241, departures may be granted from the maximum density limits allowed for the types of housing being demonstrated for Type B cottage housing development, as provided in this ordinance.

#### **Section 6. Program Reporting and Evaluation.**

1. Detached Accessory Dwelling Units. Evaluation criteria (a.) for Detached Accessory Dwelling Units contained in Section 7 (1) of Ordinance 119241 is deleted and replaced by the following: a. What are the appropriate development standards for detached ADUs that "fit" on a single family lot and within a single family neighborhood, but still allow the development of a livable unit? Is there a minimum lot size that would be appropriate? Should additional height above that currently allowed for accessory structures be allowed, and if so, should there be a maximum limit for the additional height? If additional height is allowed, should it be allowed outright or through the administrative

1 Design Review procedure? Does the process through which it is approved make any  
2 difference in the amount of additional height that may be allowed?

3 2. Type B Cottage Housing Demonstration Projects. The evaluation of Type B  
4 projects will include the following questions, instead of those questions listed in Ordinance  
5 119241 for the evaluation of cottage housing development demonstration projects:

6 a. Do the development standards already in the code for cottage housing  
7 developments, other than density limits, work for Type B cottage housing development?  
8 Should some standards be modified and if so, how?

9 b. What was the cost of construction? How did the additional density affect  
10 the per unit cost of construction? Does the additional density result in more affordable  
11 units? What are the factors that help or hinder the affordability of this type of development?

12 c. What do the neighbors think of this type of development? Is the number  
13 of units an issue with neighbors? What is the reaction of the residents of the housing in  
14 terms of livability of the unit and how it could be improved?

15 d. If Design Review is to be used for this type of development, are additional  
16 design guidelines needed to address more directly the issues relevant to this type of single  
17 family development?

18 e. Did this project provide a design concept that would likely be applicable  
19 and acceptable in other neighborhoods?

20 f. What were the positive results of this project? What were the negative  
21 results?

22 g. Were there any unintended consequences that need to be resolved?

23 h. Are there certain neighborhoods or types of neighborhoods that are more  
24 appropriate for this type of development than others?

25  
26 **Section 7.** Subsection B of Section 23.40.050, which was enacted by Ordinance  
27 119241, is hereby amended as follows:

28  
29 **23.40.050 Demonstration Program for Innovative Housing Design**

30  
31 \* \* \*

32 **B. Scope of Authority to Modify Land Use Code Requirements**

33  
34 Demonstration projects shall be selected and reviewed in accordance with the Demonstration  
35 Program for Innovative Housing Design adopted by Ordinance 119241. Each demonstration  
36 project shall comply with all of the requirements of the Land Use Code otherwise applicable  
37 to the project, except as specified below:

38 1. Each demonstration project, including single family development and  
39 redevelopment of existing structures, shall be reviewed through the Design Review process  
40 contained in SMC chapter 23.41 and in SMC chapter 23.76. Detached accessory dwelling

unit projects selected in category one of the Demonstration Program shall use the administrative Design Review process at SMC 23.41.016.

2. A maximum of ten (10) detached accessory dwelling units may be allowed in Single Family zones contrary to the requirement in SMC 23.44.006(A). For purposes of this ordinance, a "detached accessory dwelling unit" means an additional room or set of rooms that are located within a structure accessory to an owner-occupied single family structure, that is not connected to the principal structure and is designed, arranged, occupied or intended to be occupied by not more than one household as living accommodations independent from any other household. Such units must be developed according to the development standards for accessory structures and accessory dwelling units in Single Family zones, Sections 23.44.040 and 23.44.041, except that:

a. Contrary to SMC 23.44.041 (A)(4) the accessory dwelling unit may be located in a structure that is detached from the single family dwelling that is the principal use on the lot; and

b. Additional modifications to the development standards contained in SMC 23.44.040 and SMC 23.44.041 may be allowed as departures through the Design Review process under SMC Chapter 23.41.012; and

c. In addition to the development standard departures allowed in Section 23.41.012, a departure may be allowed for additional height up to a maximum of two stories, in order to accommodate detached accessory dwelling units in a single story unit above a detached garage and other detached accessory dwelling units of a similar height, provided that, no height departure may be granted that would result in a structure that is higher than the maximum allowed for single family structures in single family zones other than lots zoned Residential Small Lot.

3. A maximum of ~~((six (6)))~~ ten (10) projects that include cottage housing, tandem housing ~~((and))~~ or small lot single family development may be allowed in a Single Family zone, contrary to the minimum lot area requirements of SMC 23.44.010 and other development standards contained in SMC 23.44. Such development must comply with the Residential Small Lot development standards, SMC Chapter 23.43, except that modifications to the development standards contained in SMC 23.43 may be allowed as departures through the Design Review process.

a. A maximum of six (6) of these projects will be designated as Type A projects. For these Type A projects, ((I))in addition to the development standard departures allowed under SMC 23.41.012, departures may also be allowed for:

~~((a-))~~ (1) Additional height up to a maximum of fifteen (15) percent over the maximum allowed by SMC 23.43.012 for cottage housing, by SMC 23.43.010 for tandem housing and by SMC 23.43.008 for small lot single family development, provided that, no height departure may be granted that would result in a structure that is higher than the maximum allowed for single family structures in single family zones other than lots zoned Residential Small Lot.



1 ((b-)) (2) The maximum total floor area of each cottage as required  
2 by SMC 23.43.012D, as long as the maximum amount of total floor area for the entire  
3 cottage housing development is not increased.

4 b. A maximum of four (4) of these projects will be designated as  
5 Type B projects. For Type B projects, all of which must be in cottage housing  
6 developments, in addition to the development standard departures allowed under SMC  
7 23.41.012 and the departures allowed pursuant to SMC 23.40.050(B)(3)(a) for Type A  
8 projects, departures may also be allowed for increased density beyond that allowed by SMC  
9 23.43.012(B)(1) when

10 (1) The additional dwelling units are located above garages  
11 provided for dwelling units in the cottage housing development;

12 (2) The maximum number of above-garage units is one (1) for  
13 every two (2) cottage houses.

14 4. A maximum of six (6) multifamily demonstration projects in a  
15 multifamily zone or as part of a mixed-use development project in a commercial zone  
16 outside of downtown, may be granted height departures through the Design Review process,  
17 contrary to SMC 23.41 which, with one exception, does not allow height departures. A  
18 height departure of up to fifteen (15) percent over the maximum height limit of the zone,  
19 may be allowed as long as:

20 a. No additional floors are constructed as a result of this additional  
21 height;

22 b. The overall scale of development as viewed from the street front  
23 has generally not increased; and

24 c. the structure is compatible with the neighborhood, and with the  
25 scale of development allowed in the zone.

26 d. A height exception under SMC 23.47.008C3 or C4 will not be  
27 requested as part of the project; and

28 e. If private views protected by SMC 23.47.008C4c will be blocked  
29 by the demonstration project, no additional height greater than the additional height that  
30 could be granted by a height exception under SMC 23.47.008C4c may be granted by a  
31 height departure under the demonstration program.

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1  
2  
3 5. A maximum of six (6) residential projects in an existing structure in  
4 multifamily or commercial zones outside of downtown, including mixed-use development,  
5 may use the Design Review process. Development standard departures currently allowed  
6 only for new development under SMC 23.41.012 may be granted for the redevelopment of  
7 these existing structures.  
8

9 **Section 8.** The provisions of this ordinance are declared to be separate and  
10 severable. The invalidity of any particular provision shall not affect the validity of any other  
11 provision.  
12

13 **Section 9.** Any act pursuant to the authority and prior to the effective date of this  
14 ordinance is hereby ratified and confirmed.  
15

16 **Section 10.** This ordinance shall take effect and be in force thirty (30) days from and  
17 after its approval by the Mayor, but if not approved and returned by the Mayor within ten  
18 (10) days after presentation, it shall take effect as provided by Municipal Code Section  
19 1.04.020.  
20

21 Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 1999, and signed by  
22 me in open session in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_,  
23 1999.

24 \_\_\_\_\_  
25 President of the City Council  
26

27 Approved by me this \_\_\_\_ day of \_\_\_\_\_, 1999.  
28

29 \_\_\_\_\_  
30 Paul Schell, Mayor  
31

32 Filed by me this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.  
33

34 \_\_\_\_\_  
35 City Clerk  
36

(SEAL)



**PUBLIC HEARING SIGN-UP SHEET**

**Demonstration Ordinance II CB 112549**

**INFORMATION ON THIS SIGN-UP SHEET IS *PUBLIC RECORD*.**

[illegible]

TIME AND DATE STAMP

**SPONSORSHIP**

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# STATE OF WASHINGTON - KING COUNTY

102585  
City of Seattle, City Clerk

—ss.

No. ORDINANCE IN

## Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:ORD 119368/FULL

was published on

02/26/99

The amount of the fee charged for the foregoing publication is the sum of \$ , which amount has been paid in full.

Subscribed and sworn to before me on

02/26/99

Notary Public for the State of Washington,  
residing in Seattle

you work on the 14th floor of the Alaska Building at 518 2nd Avenue beginning January 22, 1999.

ORDINANCE NO. 119368

WHEREAS, the City Council adopted Ordinance 119241 on November 30, 1998 and the Mayor signed it on December 2, 1998 and

WHEREAS, the Department of Design, Construction and Land Use (DCLDU) has performed the review required by Ordinance 119241 and on the basis of the DCLDU recommendation, the City Council wishes to modify the Construction program to include additional projects to increase density in cottage housing developments under certain limited conditions and to test the concept of allowing increased height for accessory garage structures in cottage housing developments, up to the same height limit as the departures allowed for principal structures in cottage housing developments, when the additional dwelling units allowed by the test for increased density are contained in accessory carport structures; and

WHEREAS, the City Council desires to:

- 1) increase the number of demonstration projects allowed for the Cottage Housing or Small Lot Single Family Development category under the Demonstration Program adopted by Ordinance 119241 by four to a total of ten; 2) divide the Cottage Housing, Tandem Housing or Small Lot Single Family Development category into Type A and Type B projects, with Type A describing the category of projects previously adopted by Ordinance 119241, and Type B describing the category of demonstration projects that will be allowed pursuant to this ordinance; 3) set four as the maximum number of Type B projects that may be approved (two in an interim March, 1999 submittal period and two in an interim March, 1999 submittal period and two in an interim March, 1999 submittal period); and 4) clarify the standards for height, setbacks for detached accessory dwelling units to be included in the demonstration program;

BE IT ORDAINED BY THE CITY OF  
SEATTLE AS FOLLOWS

Of the four categories of projects to be tested by the Demonstration Program adopted by Ordinance 119241, the first category, "Detached Accessory Dwelling Units," is revised to make it clear that the additions in height that may be approved through the administrative Design Review process for accessory units on projects in this category are limited to the height of the dwelling units of similar height as a detached accessory unit located in a single story above a garage, not just detached necessary dwelling units that are contained solely in a single story above a garage.

Of the four categories of projects to be tested by the Demonstration Program adopted by Ordinance 119241, the second category, "Cottage Housing, Tandem Housing or Small Lot Single Family Develop-

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c. What do the neighbors think of this type of development? Is the number of units an issue with neighbors? What is the reaction of the residents of the housing in terms of livability of the unit and how it could be improved?

e. Did this project provide a design concept that would likely be applicable and acceptable in other neighborhoods?

g. Were there any unintended consequences that need to be resolved?

SECTION 7. Subsection B of Section 23-40.050, which was enacted by Ordinance [1924] is hereby amended as follows:

• • •

Demonstration projects shall be selected and reviewed in accordance with the Demonstration Program for Innovative Housing Design adopted by Ordinance 119241. Each demonstration project shall comply with all of the requirements of the Land Use Code otherwise applicable to the project, except as amended below:

2. Maximum of ten (10) detached accessory dwelling units may be allowed in Single Family zones contrary to the requirement in SMC 23.44.006(A). For purposes of this ordinance, a "detached accessory dwelling unit" means an additional room or set of rooms that are located within a structure accessory to an owner-occupied single family structure, that is not connected to the principal structure and is designed, arranged, occupied or intended to be occupied by not more than one household or living accommodations independent from any other household. Such units must be developed according to the development standards for accessory structures and accessory dwelling units in Single Family zones, Sections 23.44.040 and 23.44.041, except that:

b. Additional modifications to the development standards contained in SMC 23.44.040 and SMC 23.44.041 may be allowed as departures through the Design Review process under SMC Chapter 23.41.012 and

c. In addition to the development standard departures allowed in Section 22.41.012, a departure may be allowed for a detached height (if the accessory dwelling unit is a single story unit and will be used only up to a maximum of two bedrooms in order to provide a detached accessory dwelling unit to a single story unit above a detached garage and other detached accessory dwelling units of a similar height, provided that no height greater than that which would be allowed for a detached garage structure, such as a structure that is higher than the maximum allowed for single family structures in single family zones other than late zoned Residential Small Lot.

**SECTION 10.** This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

SUE DONALDSON,  
President of the City Council.  
Approved by me this 16th day of Febru-  
ary 1999

Filed by me this 16th day of February,

((Boldface denotes deletion))

Date of official publication in Daily Journal of Commerce, Seattle, February 26, 1932. 2/26(102585)

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