

Ordinance No. 120608

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Council Bill No. 113934

The City of Seattle Council Bill/Ordinance

AN ORDINANCE relating to land use and zoning; amending Seattle Municipal Code Section 23.45.008 to allow one additional dwelling unit to be added to existing multifamily structures in multifamily zones, regardless of density limitations.

10/30/01 PASS 2-0 (

CF No. _____

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| Date Introduced: | <u>OCT 29 2001</u> | |
| Date 1st Referred: | To: (committee) | <u>Landlord/Tenant & Land Use Committee</u> |
| Date 2nd Referred: | To: (committee) | |
| Date 3rd Referred: | To: (committee) | |
| Date of Final Passage: | Fall Council Vote: <u>8-0</u> | |
| Date Presented to Mayor: | Date Approved: <u>11/13/01</u> | |
| Date Returned to City Clerk: | Date Published: | T.O. <input checked="" type="checkbox"/> P.T. <input checked="" type="checkbox"/> |
| Date Vetoed by Mayor: | Date Veto Published: | |
| Date Passed Over Veto: | Veto Sustained: | |

This file is complete and ready

Law Department

Law Dept. Review

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: _____

Juan Nicastró
NICASTRO
Councilmember

Committee Action:

10/30/01 PASS 2-0 (WIN, JD)

This file is complete and ready for presentation to Full Council.

Committee: _____
(initial/date)

Law Department

Approved for Full Council

Law Dept. Review

OMP
Review

City Clerk
Review

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ORDINANCE 120608

AN ORDINANCE relating to land use and zoning; amending Seattle Municipal Code Section 23.45.008 to allow one additional dwelling unit to be added to existing multifamily structures in multifamily zones, regardless of density limitations.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.45.008 of the Seattle Municipal Code, which Section was last amended by Ordinance 119242, is amended as follows:

SMC 23.45.008 Density -- Lowrise zones.

A. There shall be a minimum lot area per dwelling unit except as provided in subsections B, (~~and~~) C and F of this section, as follows:

Lowrise

Duplex/
Triplex

-- One (1) dwelling unit per two thousand (2,000) square feet of lot area.

Lowrise 1 -- One (1) dwelling unit per one thousand six hundred (1,600) square feet of lot area.

Lowrise 2 -- One (1) dwelling unit per one thousand two hundred (1,200) square feet of lot area.

Lowrise 3 -- One (1) dwelling unit per eight hundred (800) square feet of lot area.

Lowrise 4 -- One (1) dwelling unit per six hundred (600) square feet of lot area.

B. 1. In Lowrise 3 and Lowrise 4 zones, multifamily structures for low-income elderly or low-income disabled residents or low-income elderly/low-income disabled multifamily structure, operated by a public agency or a private nonprofit corporation shall have a maximum density as follows:

Lowrise 3 -- One (1) dwelling unit per five hundred fifty (550) square feet of lot area.

Lowrise 4 -- One (1) dwelling unit per four hundred (400) square feet of lot area.

2. In order to qualify for the density provisions of this subsection, a majority of the dwelling units of the structure shall be designed for and dedicated to tenancies of at least three (3) months.

3. The dwelling units shall remain as low-income elderly/low-income disabled multifamily structure for the life of the structure.

C. In the Lowrise Duplex/Triplex zone, the minimum lot area per dwelling unit for cottage housing developments shall be one (1) dwelling unit per one thousand six hundred (1,600) square feet of lot area. In Lowrise Duplex/Triplex and Lowrise 1 zones, the



1 minimum lot area for cottage housing developments shall be six thousand four hundred
2 (6,400) square feet.

3 D. In Lowrise Duplex/Triplex zones no structure shall contain more than three
4 (3) dwelling units.

5 E. When dedication of right-of-way is required, permitted density shall be
6 calculated before the dedication is made.

7 F. Adding Units to Existing Structures in Multifamily zones.

8 1. In all multifamily zones, one additional dwelling unit may be added to
9 an existing multifamily structure regardless of the density restrictions in subsections A, B
10 and C above. This provision shall only apply when the proposed unit is to be located
11 entirely within an existing structure.

12 2. For the purposes of this subsection, "existing structures" shall be
13 those structures or portions of structures that were established under permit, or for which a
14 permit has been granted and has not expired as of October 31, 2001.

15 **Section 2.** The provisions of this ordinance are declared to be separate and severable.
16 The invalidity of any particular provision shall not affect the validity of any other provision.

17 **Section 3.** This ordinance shall take effect and be in force thirty (30) days from and
18 after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10)
19 days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

20 Passed by the City Council the 5th day of November 2001, and signed by me in
21 open session in authentication of its passage this 5th day of November, 2001.

22 Margaret C. Pappas
23 President of the City Council

24 Approved by me this 13th day of NOVEMBER, 2001.

25 Paul Schuff
26 Mayor

27 Filed by me this 13th day of November, 2001.

28 Judith E. Pappas
29 City Clerk

30 (Seal)





City of Seattle

Paul Schell, Mayor

Department of Design, Construction and Land Use

R. F. Krochalis, Director

MEMORANDUM

TO: Councilmember Margaret Pageler, President
Via Margaret Klockars, Law Department

FROM: 
Rick Krochalis, Director

DATE: October 19, 2001

SUBJECT: Add-A-Unit Text Amendment

Transmittal

I am pleased to submit to you the attached ordinance, which would amend the Land Use Code to allow one additional dwelling unit, regardless of density restrictions, to be added to existing multifamily structures located in multifamily zones. The provision will only apply when the unit can be added without expanding the existing envelope of the structure.

A determination of compliance with the proposed Land Use Code provision will be a Type I administrative decision, and will not be subject to appeal.

Background

As described in the attached Director's Report, the proposed text amendment has been designed to encourage additional housing units in multifamily areas of the city where such units could be "absorbed" with minimal impact and without changing the existing character and intensity of a given neighborhood. Areas such as Capitol Hill, Alki, Queen Anne and the University District, to name a few, have already demonstrated the ability to accommodate higher levels of residential development.

SEPA Environmental Review Determination

An environmental determination on this proposal was published by the Daily Journal of Commerce (DJC) and the Land Use Information Service on Thursday, September 27, 2001. The appeal period for the environmental determination ended on Thursday, October 18th, 2001. No appeal was filed.

Public Hearing

A public hearing on this legislation has been scheduled before the City Council's Landlord/Tenant and Land Use Committee on Monday, October 29 at 5:00 p.m.



Non-Financial Legislation

Implementation costs associated with this legislation will be minor, and can be accommodated within existing resources.

If you have any questions about the proposed legislation, please contact J. Roque Deherrera by email at roque.deherrera@ci.seattle.wa.us, or by phone at (206) 615-0743.

Attachments: Director's Report
Proposed ordinance



DIRECTOR'S REPORT AND RECOMMENDATION

Add-a-Unit Ordinance

INTRODUCTION

The Department of Design, Construction and Land Use (DCLU) is proposing to amend the Land Use Code to allow one additional dwelling unit, regardless of density restrictions, to be added to existing multifamily structures located in multifamily zones. The provision will only apply when the unit can be added without expanding the existing envelope of the structure.

The purpose of creating the provision is to allow additional residential units in multifamily areas of the city where such units could be "absorbed" without changing the existing character and intensity of a given neighborhood. A determination of compliance with the proposed Land Use Code provision will be a Type I administrative decision, and will not be subject to appeal.

Proposed Land Use Code Amendment:

Amending Seattle Municipal Code Section 23.45.008 to allow one additional dwelling unit to be added to existing multifamily structures in multifamily zones, regardless of density limitations.

BACKGROUND

Seattle's Comprehensive Plan includes a goal of accommodating 50,000 to 60,000 additional households over the next 20 years. The demand may be even higher. The proposed amendment provides one more option among a variety of strategies the city has developed to encourage the development of additional housing. In particular, the amendment is designed to maintain overall housing affordability for the average citizen, while ensuring preservation of existing neighborhood character.

The Comprehensive Plan specifically supports the proposal by acknowledging in its policies that exceptions to density regulations should be considered in efforts to increase housing in Seattle. Specifically, policy H8 of the plan states the following:

"Consider using zoning, land use regulations and policies, and infrastructure requirements for, among other objectives, providing incentives that encourage public agencies, private property owners and developers to build housing that helps fulfill City policy objectives for housing. Examples of development incentives include height and *density bonuses*, minimum densities and transferable development rights." While the proposal is not explicitly characterized as a density bonus, that is its function.

Importantly, the proposal allows necessary residential units to be constructed without detracting from the neighborhood character of a given area. This is achieved by requiring



new residential units to be located wholly within the existing structure. No expansions of the existing building envelope will be permitted

In addition to providing incentives for a slight increase in density, the proposal aids in helping to counteract the market driven effects of recent growth, which have resulted in townhouse development that falls below allowable densities. An example of this loss of residential units has been observed in Seattle's Lowrise 3 zones. According to King County Assessor's Data collected in February 2001, the density of new development built in the Lowrise 3 zone between January 1990 and December 2000 has been one unit per 1,153 square feet of lot area. This number translates to 69 percent of the allowed density, which is one dwelling unit per 800 square feet of lot area. During this time, 1,840 units were constructed on parcel land totaling 2,120,672 square feet. If this same amount of parcel land had been developed at the allowed density, 2,651 units could have potentially been built. This is a difference of 811 units¹.

ANALYSIS

An existing structure may be able to accommodate an additional unit where a party room or storage facility, or some other common space is located. This unit would cost less to develop than a new unit in a new building since no changes to the land or exterior of the structure would be required or permitted. Such units, if located in a basement or in the back of a building, may also rent for less due to location, as well as lower construction costs. Over the years, some owners have converted extra spaces to units when density limits and other various code requirements could be met. This proposal would eliminate one of the barriers that currently limits such conversion, the density limit.

An April 2001 development capacity data table supplied by the Strategic Planning Office shows that there may be about 6,000 residential units that could theoretically be created as a result of the proposal. Specifically, this data table represents a parcel by parcel density calculation for all properties in the city that are zoned for multifamily development. In other words, about 6,000 multifamily structures are at or over their current allowed densities and would need such an amendment to convert an extra space to a residential unit. The city is, however, likely to see only a fraction of the potential units actually constructed.

This figure does not take into account the physical and practical difficulties of adding units to existing buildings. While the current code already allows the addition of one unit in an existing residential structure (existing as of August 10, 1982) without adding parking, a number of property owners and managers indicated that the market may demand the provision of parking. This is another physical constraint to the addition of a unit. While only a fraction of the potential units will be actually constructed, this proposal provides the property owner with another option for increasing the city's housing supply.

A number of property owners and property managers were contacted regarding the proposed legislation. While most supported the concept, many said they could not take



advantage of the proposed change. Reasons ranged from a current deflated rental market (which will change over time) to inadequate space for providing market-required parking, and included the following:

- Existing structure is not capable of incorporating an additional unit without constructing additions.
- The costs of adding a unit (water, electricity, life safety upgrades, etc.) are too great.
- Laundry rooms and activity rooms are necessary amenities to attract renters.

Using the 30 or so responses received from eligible properties as a guide, it is estimated that approximately 20 percent of the potential unit count may take advantage of the proposal. This translates to an estimated 1,200 additional units. However, given the relatively small survey group and the fact that answers were given without consulting with a design professional, the estimated percentage of 20 percent still may be slightly inflated. Whether or not this number is achieved will be primarily determined by the rental market.

Overall, the proposal provides a unique opportunity for the city to recapture some of the residential units lost to townhouse development over the previous ten years. These units will be located in areas of the city that have long supported multifamily development, and which can accommodate such development with limited if any changes to the neighborhood character.

RECOMMENDATION

The Department of Design, Construction and Land Use recommends approval of the proposed Add-A-Unit Ordinance, which will provide incentive for eligible property owners to add one residential unit to existing multifamily buildings in the City of Seattle.

¹ Please note that the data used to determine the number of units lost to townhouse development between January 1990 and December 2000 only included development in Lowrise 3 zones. The number of units lost in LDT, L1, L2, and L4 zones is not known.

STATE OF WASHINGTON – KING COUNTY

--SS.

138449
City of Seattle, Clerk's Office

No. ORDINANCE IN FULL

Affidavit of Publication

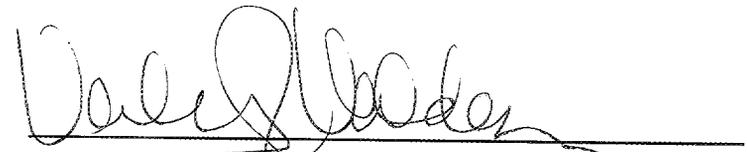
The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published 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.

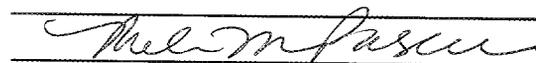
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:120608 ORD. IN FULL

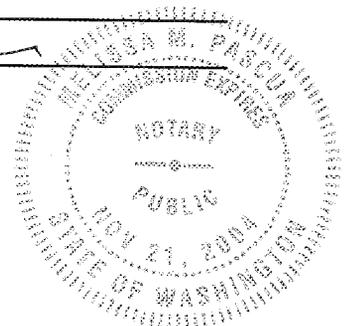
was published on

11/21/01


Subscribed and sworn to before me on
11/25/01


Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication



State of Washington, King County

City of Seattle

ORDINANCE 120608

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BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

SECTION 1. Section 23.45.008 of the Seattle Municipal Code, which Section was last amended by Ordinance 119242, is amended as follows:

SMC 23.45.008 DENSITY — LOW-RISE ZONES.

A. There shall be a minimum lot area per dwelling unit except as provided in subsections B, (and) C and F of this section, as follows:

Lowrise Duplex/Triplex — One (1) dwelling unit per two thousand (2,000) square feet of lot area.

Lowrise 1 — One (1) dwelling unit per one thousand six hundred (1,600) square feet of lot area.

Lowrise 2 — One (1) dwelling unit per one thousand two hundred (1,200) square feet of lot area.

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2. In order to qualify for the density provisions of this subsection, a majority of the dwelling units of the structure shall be designed for and dedicated to tenancies of at least three (3) months.

3. The dwelling units shall remain as low-income elderly/low-income disabled multifamily structure for the life of the structure.

C. In the Lowrise Duplex/Triplex zone, the minimum lot area per dwelling unit for cottage housing developments shall be one (1) dwelling unit per one thousand six hundred (1,600) square feet of lot area. In Lowrise Duplex/Triplex and Lowrise 1 zones, the minimum lot area for cottage housing developments shall be six thousand four hundred (6,400) square feet.

D. In Lowrise Duplex/Triplex zones no structure shall contain more than three (3) dwelling units.

E. When dedication of right-of-way is required, permitted density shall be calculated before the dedication is made.

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1. In all multifamily zones, one additional dwelling unit may be added to an existing multifamily structure regardless of the density restrictions in subsections A, B and C above. This provision shall only apply when the proposed unit is to be located entirely within an existing structure.

2. For the purposes of this subsection, "existing structures" shall be those structures or portions of struc-