



SEATTLE CITY COUNCIL

Legislative Summary

CB 119544

Record No.: CB 119544

Type: Ordinance (Ord)

Status: Passed

Version: 3

Ord. no: Ord 125854

In Control: City Clerk

File Created: 06/03/2019

Final Action: 07/09/2019

Title: AN ORDINANCE relating to land use and zoning, amending Sections 23.44.011, 23.44.014, 23.44.017, 23.44.020, 23.44.041, 23.45.545, 23.84A.002, 23.84A.032, 23.84A.038, and 23.86.007 of the Seattle Municipal Code to remove barriers to the creation of attached and detached accessory dwelling units and add a floor area ratio requirement in certain single-family zones.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: O'Brien

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments: Full Text: CB 119544 v3

Drafter: patrick.wigren@seattle.gov

Filing Requirements/Dept Action:

History of Legislative File

Legal Notice Published:

☐ Yes

☐ No

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Clerk	06/04/2019	sent for review	Council President's Office			
	Action Text: The Council Bill (CB) was sent for review. to the Council President's Office						
1	Council President's Office	06/06/2019	sent for review	Sustainability and Transportation Committee			
	Action Text: The Council Bill (CB) was sent for review. to the Sustainability and Transportation Committee						
1	City Council	06/10/2019	referred	Sustainability and Transportation Committee			
	Action Text: The Council Bill (CB) was referred. to the Sustainability and Transportation Committee						
1	Sustainability and Transportation Committee	06/11/2019	discussed				

Action Text: A public hearing was held.

- 1 Sustainability and Transportation Committee 06/18/2019 pass as amended Pass

Action Text: The Committee recommends that City Council pass as amended the Council Bill (CB).

In Favor: 5 Chair O'Brien, Vice Chair Pacheco, Member Sawant, Alternate Harrell, Herbold

Opposed: 0

- 2 City Council 07/01/2019 passed as amended Pass

Action Text: The Motion carried, the Council Bill (CB) passed as amended by the following vote, and the President signed the Bill:

Notes: ACTION 1:

Motion was made, duly seconded and carried, by Councilmember O'Brien to amend Council Bill 119544, by substituting version 6 for version 5.

ACTION 2:

Motion was made, duly seconded and carried, by Councilmember Pacheco to amend Council Bill 119544, by amending Sections 5 and 15, as shown on Attachment 1 to the Minutes.

ACTION 3:

Motion was made, duly seconded and carried, by Councilmember O'Brien to amend Council Bill 119544, by amending section 11.E., as shown in the underlined and strike through language below:

Section 11. The Seattle Department of Construction and Inspections (SDCI) shall report annually to the Planning, Land Use and Zoning Committee, or its successor committee, on Citywide accessory dwelling unit permit activity. The report shall be delivered to the City Council by no later than June 30 of the following calendar year, with the first report due on June 30, 2021. This annual report shall include detailed information on all attached and detached accessory dwelling unit permits issued and all permits finalized, including:

* * *

E. Information on the number of short-term rental operator licenses issued by the Department of Finance and Administrative Services (FAS) that authorizes short-term rental use in an ADU. In addition, the City Council requests that SDCI works with FAS to develop this information and identify recommendations, as appropriate, for modifications to the regulations governing short-term rental use. If the report reveals that a significant number of accessory dwelling units are being used solely as short-term rentals, the City Council intends to impose additional restrictions or a prohibition on short-term rental use in accessory dwelling units; and

* * *

ACTION 4:

Motion was made and duly seconded by Councilmember Herbold, to amend Council Bill 119544, by amending Section 5, Seattle Municipal Code Section 23.44.041.A.1.a.2, by inserting "the lot has been owned by the same person or persons for at least twelve months prior to permit application, and" after "A second accessory dwelling unit is allowed only if : (1)."

The Motion failed by the following vote:

In Favor: 1 - Herbold

Opposed: 7 - Bagshaw, González, Juarez, Mosqueda, O'Brien, Pacheco,
Sawant

Councilmember Juarez left the Council Chambers at 4:05 p.m. and returned at 4:07 p.m.

Councilmember González left the Council Chambers at 4:06 p.m. and returned at 4:09 p.m.

ACTION 5:

Motion was made and duly seconded to pass Council Bill 119544 as amended.

In Favor: 8 Councilmember Bagshaw, Councilmember González , Councilmember Herbold, Councilmember Juarez, Councilmember Mosqueda, Councilmember O'Brien, Councilmember Pacheco, Councilmember Sawant

Opposed: 0

3	City Clerk	07/05/2019	submitted for Mayor's signature	Mayor
3	Mayor	07/09/2019	Signed	
3	Mayor	07/09/2019	returned	City Clerk
3	City Clerk	07/09/2019	attested by City Clerk	

Action Text: The Ordinance (Ord) was attested by City Clerk.

CITY OF SEATTLE

ORDINANCE 125854

COUNCIL BILL 119544

AN ORDINANCE relating to land use and zoning, amending Sections 23.44.011, 23.44.014, 23.44.017, 23.44.020, 23.44.041, 23.45.545, 23.84A.002, 23.84A.032, 23.84A.038, and 23.86.007 of the Seattle Municipal Code to remove barriers to the creation of attached and detached accessory dwelling units and add a floor area ratio requirement in certain single-family zones.

WHEREAS, the City Council adopted Resolution 31547 in September 2014, directing the Department of Planning and Development to explore policy changes that would increase the production of attached accessory dwelling units and detached accessory dwelling units, including regulatory changes, incentives, marketing, and promotion; and

WHEREAS, the Housing Affordability and Livability Agenda (HALA) Advisory Committee made recommendations in July 2015 to the Mayor and City Council, including Recommendation SF.1a to remove code barriers to accessory dwelling units and backyard cottages by removing the parking requirement, removing the owner-occupancy requirement, allowing a single lot to have both an attached and detached accessory dwelling unit, and making minor modifications to existing development standards for detached accessory dwelling units; and

WHEREAS, the City Council adopted Resolution 31609 in September 2015, declaring its intent to consider strategies to increase the availability of affordable housing in Seattle, outlining an overarching policy framework and timeline for the Mayor's HALA recommendations, and establishing the Council Work Plan for HALA Recommendations, which included Strategy (h) to remove barriers to the development of detached and attached accessory dwelling units; and

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to land use and zoning, amending Sections 23.44.011, 23.44.014, 23.44.017, 23.44.020, 23.44.041, 23.45.545, 23.84A.002, 23.84A.032, 23.84A.038, and 23.86.007 of the Seattle Municipal Code to remove barriers to the creation of attached and detached accessory dwelling units and add a floor area ratio requirement in certain single-family zones.

WHEREAS, the City Council adopted Resolution 31547 in September 2014, directing the Department of Planning and Development to explore policy changes that would increase the production of attached accessory dwelling units and detached accessory dwelling units, including regulatory changes, incentives, marketing, and promotion; and

WHEREAS, the Housing Affordability and Livability Agenda (HALA) Advisory Committee made recommendations in July 2015 to the Mayor and City Council, including Recommendation SF.1a to remove code barriers to accessory dwelling units and backyard cottages by removing the parking requirement, removing the owner-occupancy requirement, allowing a single lot to have both an attached and detached accessory dwelling unit, and making minor modifications to existing development standards for detached accessory dwelling units; and

WHEREAS, the City Council adopted Resolution 31609 in September 2015, declaring its intent to consider strategies to increase the availability of affordable housing in Seattle, outlining an overarching policy framework and timeline for the Mayor's HALA recommendations, and establishing the Council Work Plan for HALA Recommendations, which included Strategy (h) to remove barriers to the development of detached and attached accessory dwelling units; and

1 WHEREAS, attached accessory dwelling units have been allowed on single-family lots since
2 1994, and detached accessory dwelling units have been allowed on single-family lots
3 since 2010, subject to certain development standards; and

4 WHEREAS, since 2010 only approximately 700 detached accessory dwelling units have been
5 constructed, accounting for less than one percent of eligible single-family lots;

6 NOW, THEREFORE,

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

8 Section 1. Section 23.44.011 of the Seattle Municipal Code, enacted by Ordinance
9 125791, is amended as follows:

10 **23.44.011 Floor area in ((RSL)) single-family zones**

11 A. Gross floor area. In ((RSL)) single-family zones, gross floor area includes exterior
12 corridors, breezeways, and stairways that provide building circulation and access to dwelling
13 units or sleeping rooms. Balconies, patios, and decks that are associated with a single dwelling
14 unit or sleeping room and that are not used for common circulation, and ground-level walking
15 paths, are not considered gross floor area.

16 B. Floor area ratio (FAR) limits.

17 1. The FAR limit on lots developed with a single-family dwelling unit as the
18 principal use in SF 5000, SF 7200, and SF 9600 zones, is 0.5, except that lots with less than
19 5,000 square feet of lot area can include up to 2,500 square feet of total chargeable floor area.
20 The applicable FAR limit applies to the total chargeable floor area of all structures on the lot.

21 2. The FAR limit in RSL zones is 0.75. The applicable FAR limit applies to
22 the total chargeable floor area of all structures on the lot.

C. The following floor area is exempt from FAR limits:

1. All stories, or portions of stories, that are underground.

2. All portions of a story that extend no more than 4 feet above existing or finished grade, whichever is lower, excluding access.

3. In SF 5000, SF 7200, and SF 9600 zones:

a. Any floor area contained in an accessory dwelling unit;

b. Either up to 500 additional square feet of floor area in any accessory structure that is not a detached accessory dwelling unit, or up to 250 square feet of floor area in an attached garage.

~~((3))~~ 4. ~~((Fifty))~~ In RSL zones, 50 percent of floor area contained in structures built prior to January 1, 1982, as single-family dwelling units that will remain in residential use, regardless of the number of dwelling units within the existing structure, provided the exemption is limited to the gross square footage in the single-family dwelling unit as of January 1, 1982.

D. In SF 5000, SF 7200, and SF 9600 zones, additions to a single-family dwelling unit existing on the effective date of the ordinance introduced as Council Bill 119544 may exceed the FAR limit in subsection 23.44.011.B.1 if the addition adds floor area equal to or less than 20 percent of the floor area that existed on the effective date of the ordinance introduced as Council Bill 119544. Only one addition to any single-family dwelling unit may be exempted under this subsection 23.44.011.D.

Section 2. Section 23.44.014 of the Seattle Municipal Code, last amended by Ordinance 125791, is amended as follows:

23.44.014 Yards and separations

* * *

C. Exceptions from standard yard requirements. No structure shall be placed in a required yard except as follows:

1. Garages. Garages may be located in a required yard subject to the standards of Section 23.44.016.

2. Certain accessory structures in side and rear yards

a. Except for detached accessory dwelling units, any accessory structure that complies with the requirements of Section 23.44.040 may be constructed in a side yard that abuts the rear or side yard of another lot, or in that portion of the rear yard of a reversed corner lot within 5 feet of the key lot and not abutting the front yard of the key lot, upon recording with the King County Recorder's Office an agreement to this effect between the owners of record of the abutting properties.

b. Except for detached accessory dwelling units, any detached accessory structure that complies with the requirements of Section 23.44.040 may be located in a rear yard, provided that on a reversed corner lot, no accessory structure shall be located in that portion of the required rear yard that abuts the required front yard of the adjoining key lot, nor shall the accessory structure be located closer than 5 feet from the key lot's side lot line unless the provisions of subsections 23.44.014.C.2.a or 23.44.016.D.9 apply.

c. A detached accessory dwelling unit may be located in a rear yard subject to the requirements of subsection 23.44.041.C.

3. A principal residential structure or a detached accessory dwelling unit may extend into one side yard if an easement is provided along the side or rear lot line of the abutting lot, sufficient to leave a 10-foot separation between that structure and any principal structure or

1 detached accessory dwelling unit on the abutting lot. The 10-foot separation shall be measured
2 from the wall of the principal structure or the wall of the detached accessory dwelling unit that is
3 proposed to extend into a side yard to the wall of the principal structure or detached accessory
4 dwelling unit on the abutting lot.

5 a. No structure or portion of a structure may be built on either lot
6 within the 10-foot separation, except as provided in this Section 23.44.014.

7 b. Accessory structures, other than detached accessory dwelling units,
8 and features of and projections from principal structures, such as porches, eaves, and chimneys,
9 are permitted in the 10-foot separation area required by this subsection 23.44.014.C.3 if
10 otherwise allowed in side yards by this subsection 23.44.014.C. For purposes of calculating the
11 distance a structure or feature may project into the 10-foot separation, assume the property line is
12 5 feet from the wall of the principal structure proposed to extend into a side yard and consider
13 the 5 feet between the wall and the assumed property line to be the required side yard.

14 c. No portion of any structure, including any projection, shall cross
15 the property line.

16 d. The easement shall be recorded with the King County Recorder's
17 Office. The easement shall provide access for normal maintenance activities to the principal
18 structure on the lot with less than the required (~~(5-foot)~~) 5-foot side yard.

19 4. Certain additions. Certain additions to an existing single-family structure,
20 or an existing accessory structure if being converted to a detached accessory dwelling unit may
21 extend into a required yard if the existing single-family structure is already nonconforming with
22 respect to that yard. The presently nonconforming portion must be at least 60 percent of the total
23 width of the respective facade of the structure prior to the addition. The line formed by the

1 existing nonconforming wall of the structure is the limit to which any additions may be built,
2 except as described in subsections 23.44.014.C.4.a through 23.44.014.C.4.e. Additions may
3 extend up to the height limit and may include basement additions. New additions to the
4 nonconforming wall or walls shall comply with the following requirements (Exhibit A for
5 23.44.014):

6 a. Side yard. If the addition is a side wall, the existing wall line may
7 be continued by the addition except that in no case shall the addition be closer than 3 feet to the
8 side lot line;

9 b. Rear yard. If the addition is a rear wall, the existing wall line may
10 be continued by the addition except that in no case shall the addition be closer than 20 feet to the
11 rear lot line or centerline of an alley abutting the rear lot line;

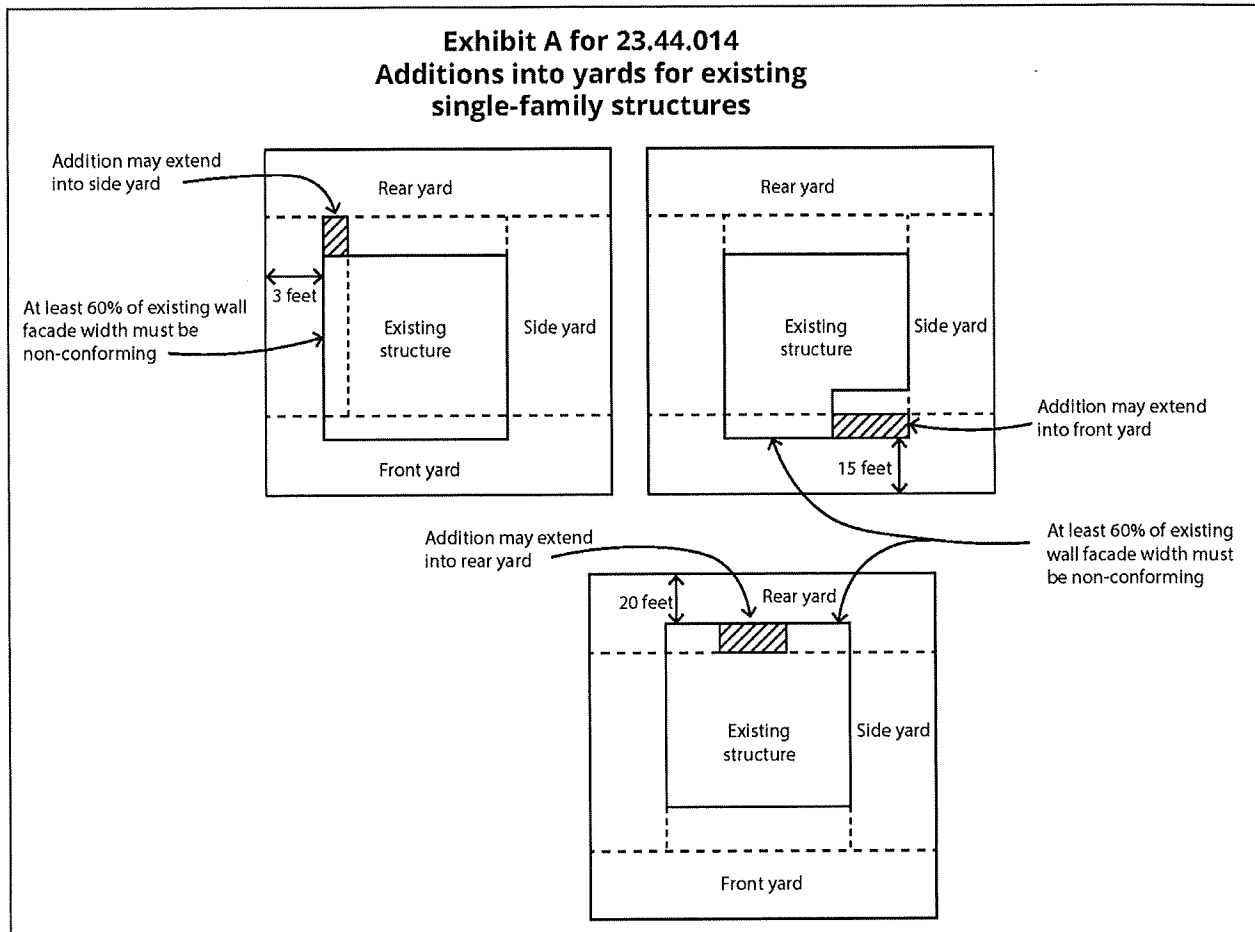
12 c. Front yard. If the addition is a front wall, the existing wall line may
13 be continued by the addition except that in no case shall the addition be closer than 15 feet to the
14 front lot line;

15 d. If the nonconforming wall of the single-family structure is not
16 parallel or is otherwise irregular, relative to the lot line, then the Director shall determine the
17 limit of the wall extension, except that the wall extension shall not be located closer than
18 specified in subsections 23.44.014.C.4.a, 23.44.014.C.4.b, and 23.44.014.C.4.c.

19 e. Roof eaves, gutters, and chimneys on such additions may extend
20 an additional 18 inches into a required yard, but in no case shall such features be closer than 2
21 feet to the side lot line.

Exhibit A for 23.44.014

Additions into yards for existing single-family structures



5. Uncovered porches or steps. Uncovered, unenclosed porches ((5)) or steps may project into any required yard, if each component is no higher than 4 feet above existing grade, no closer than 3 feet to any side lot line, and has no horizontal distance greater than 6 feet within the required yard. For each entry to a principal structure, one uncovered, unenclosed porch and/or associated steps are permitted in the required yards.

6. Certain features of a structure. Unless otherwise provided elsewhere in this Chapter 23.44, certain features of a principal or accessory structure, except for accessory dwelling units, may extend into required yards if they comply with the following:

1 a. External architectural details with no living area, such as
2 chimneys, eaves, cornices, and columns, may project no more than 18 inches into any required
3 yard;

4 b. Bay windows are limited to 8 feet in width and may project no
5 more than 2 feet into a required front, rear, and street side yard;

6 c. Other projections that include interior space, such as garden
7 windows, may extend no more than 18 inches into any required yard, starting a minimum of 30
8 inches above finished floor, and with maximum dimensions of 6 feet in height and 8 feet in
9 width;

10 d. The combined area of features permitted by subsections
11 23.44.014.C.6.b and 23.44.014.C.6.c may comprise no more than 30 percent of the area of the
12 facade.

13 7. Covered unenclosed decks and roofs over patios. Covered, unenclosed
14 decks and roofs over patios, if attached to a principal structure or a detached accessory dwelling
15 unit, may extend into the required rear yard, but shall not be within 12 feet of the centerline of
16 any alley, or within 12 feet of any rear lot line that is not an alley lot line, or closer to any side lot
17 line in the required rear yard than the side yard requirement of the principal structure along that
18 side, or closer than 5 feet to any accessory structure. The height of the roof over unenclosed
19 decks and patios shall not exceed 12 feet. The roof over such decks or patios shall not be used as
20 a deck.

21 8. Access bridges. Uncovered, unenclosed access bridges are permitted as
22 follows:

1 a. Pedestrian bridges 5 feet or less in width, and of any height
2 necessary for access, are permitted in required yards, except that in side yards an access bridge
3 must be at least 3 feet from any side lot line.

4 b. A driveway access bridge is permitted in the required yard abutting
5 the street if necessary for access to parking. The vehicular access bridge shall be no wider than
6 12 feet for access to one parking space or 18 feet for access to two or more parking spaces and of
7 any height necessary for access. The driveway access bridge may not be located closer than 5
8 feet to an adjacent property line.

9 9. Barrier-free access. Access facilities for the disabled and elderly that
10 comply with Washington State Building Code ((§)) Chapter 11 are permitted in any required
11 yard.

12 10. Freestanding structures and bulkheads

13 a. Fences, freestanding walls, bulkheads, signs, and similar structures
14 6 feet or less in height above existing or finished grade, whichever is lower, may be erected in
15 any required yard. The 6-foot height may be averaged along sloping grade for each 6-foot-long
16 segment of the fence, but in no case may any portion of the fence exceed 8 feet. Architectural
17 features may be added to the top of the fence or freestanding wall above the 6-foot height if the
18 features comply with the following: horizontal architectural feature(s), no more than 10 inches
19 high, and separated by a minimum of 6 inches of open area, measured vertically from the top of
20 the fence, are permitted if the overall height of all parts of the structure, including post caps, is
21 no more than 8 feet. Averaging the 8-foot height is not permitted. Structural supports for the
22 horizontal architectural feature(s) may be spaced no closer than 3 feet on center.

b. The Director may allow variation from the development standards listed in subsection 23.44.014.C.10.a, according to the following:

- 1) No part of the structure may exceed 8 feet; and
- 2) Any portion of the structure above 6 feet shall be predominately open, such that there is free circulation of light and air.

c. Bulkheads and retaining walls used to raise grade may be placed in any required yard when limited to 6 feet in height, measured above existing grade. A guardrail no higher than 42 inches may be placed on top of a bulkhead or retaining wall existing as of February 20, 1982. If a fence is placed on top of a new bulkhead or retaining wall, the maximum combined height is limited to 9 1/2 feet.

d. Bulkheads and retaining walls used to protect a cut into existing grade may be placed in any required yard when limited to the minimum height necessary to support the cut. If the bulkhead or retaining wall is measured from the low side and it exceeds 6 feet, an open guardrail of no more than 42 inches meeting Building Code requirements may be placed on top of the bulkhead or retaining wall. If the bulkhead or retaining wall is 6 feet or less, a fence may be placed on top up to a maximum combined height of 9.5 feet for both fence and bulkhead or retaining wall.

e. If located in shoreline setbacks or in view corridors in the Shoreline District as regulated in Chapter 23.60A, structures shall not obscure views protected by Chapter 23.60A, and the Director shall determine the permitted height.

11. Decks in yards. Decks no higher than 18 inches above existing or finished grade, whichever is lower, may extend into required yards.

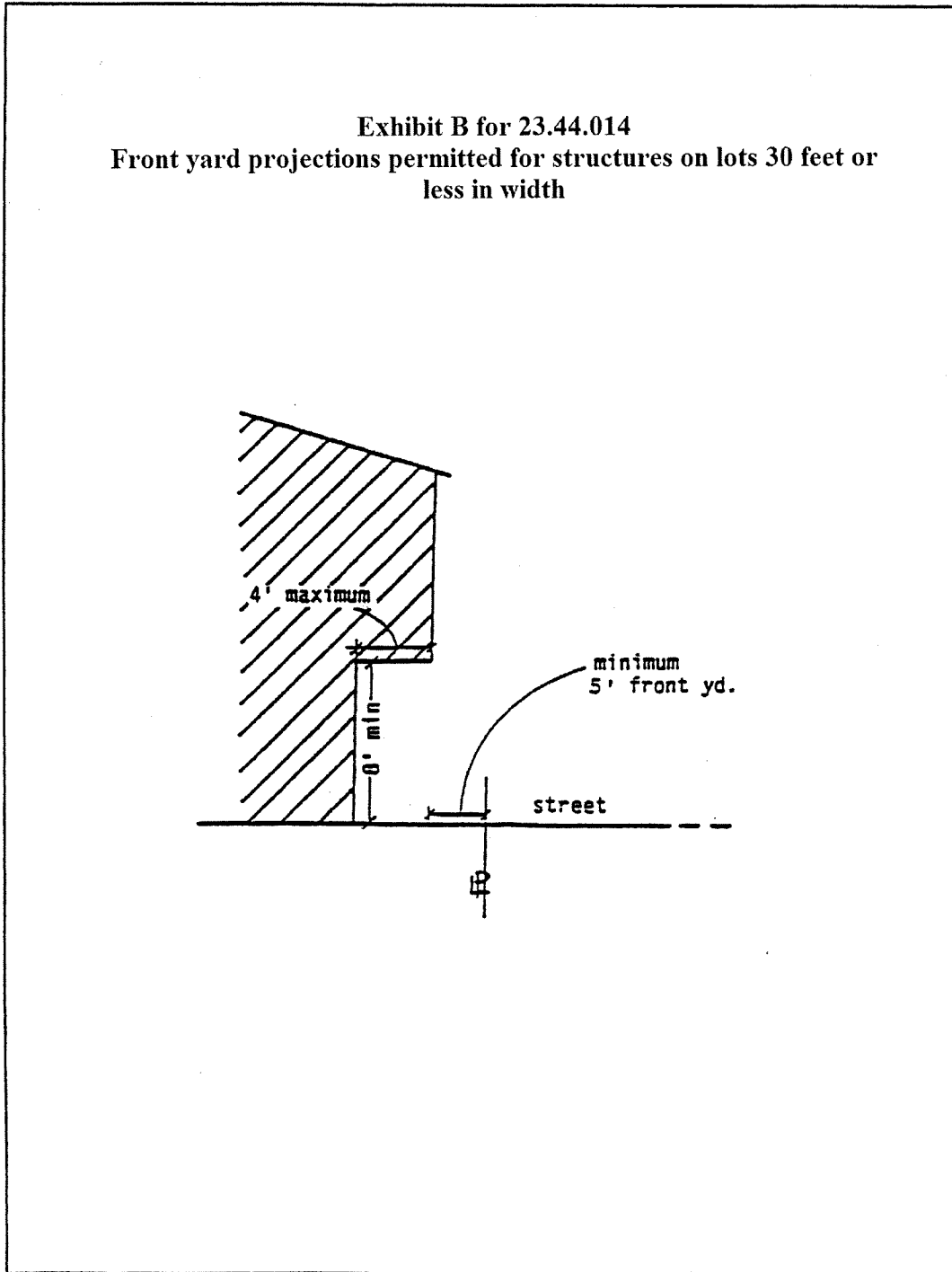
1 12. Mechanical equipment. Heat pumps and similar mechanical equipment,
2 not including incinerators, are permitted in required yards if they comply with the requirements
3 of Chapter 25.08. Any heat pump or similar equipment shall not be located within 3 feet of any
4 lot line. Charging devices for electric cars are considered mechanical equipment and are
5 permitted in required yards if not located within 3 feet of any lot line.

6 13. Solar collectors. Solar collectors may be located in required yards, subject
7 to the provisions of Section 23.44.046.

8 14. Front yard projections for structures on lots 30 feet or less in width. For a
9 structure on a lot in an SF 5000, SF 7200, or SF 9600 zone that is 30 feet or less in width,
10 portions of the front facade that begin 8 feet or more above finished grade may project up to 4
11 feet into the required front yard, provided that no portion of the facade, including eaves and
12 gutters, shall be closer than 5 feet to the front lot line (Exhibit B for 23.44.014), and provided
13 further that no portion of the facade of an existing structure that is less than 8 feet or more above
14 finished grade already projects into the required front yard.

Exhibit B for 23.44.014

Front yard projections permitted for structures on lots 30 feet or less in width



1 15. Front and rear yards may be reduced by 25 percent, but no more than 5
2 feet, if the site contains a required environmentally critical area buffer or other area of the
3 property that cannot be disturbed pursuant to subsection 25.09.280.A.

4 16. Arbors. Arbors may be permitted in required yards under the following
5 conditions:

6 a. In any required yard, an arbor may be erected with no more than a
7 40-square-foot footprint, measured on a horizontal roof plane inclusive of eaves, to a maximum
8 height of 8 feet. Both the sides and the roof of the arbor shall be at least 50 percent open, or if
9 latticework is used, there shall be a minimum opening of 2 inches between crosspieces.

10 b. In each required yard abutting a street, an arbor over a private
11 pedestrian walkway with no more than a 30-square-foot footprint, measured on the horizontal
12 roof plane and inclusive of eaves, may be erected to a maximum height of 8 feet. The sides of the
13 arbor shall be at least 50 percent open, or if latticework is used, there shall be a minimum
14 opening of 2 inches between crosspieces.

15 17. Stormwater management

16 a. Above-grade green stormwater infrastructure (GSI) features are
17 allowed without yard restrictions if:

18 1) Each above-grade GSI feature is less than 4.5 feet tall,
19 excluding piping;

20 2) Each above-grade GSI feature is less than 4 feet wide; and

21 3) The total storage capacity of all above-grade GSI features
22 is no greater than 600 gallons.

b. Above-grade GSI features larger than what is allowed in subsection 23.44.014.C.17.a are allowed within a required yard if:

- 1) Above-grade GSI features do not exceed ten percent coverage of any one yard area;
- 2) No portion of an above-grade GSI feature is located closer than 3 feet from a side lot line;
- 3) No portion of an above-grade GSI feature is located closer than 20 feet from a rear lot line or centerline of an alley abutting the rear lot line; and
- 4) No portion of an above-grade GSI feature is located closer than 15 feet from the front lot line.

18. A structure may be permitted to extend into front and rear yards as necessary to protect exceptional trees and trees over 2 feet in diameter pursuant to Section 25.11.060.

D. Additional standards for structures if allowed in required yards. Structures in required yards shall comply with the following:

1. Accessory structures, attached garages, and portions of a principal structure shall not exceed a maximum combined coverage of 40 percent of the required rear yard, except that a detached accessory dwelling unit may cover an additional 20 percent of the rear yard provided that the increased rear yard coverage does not require removal of any exceptional trees or trees over 2 feet in diameter measured 4.5 feet above the ground. In the case of a rear yard abutting an alley, rear yard coverage shall be calculated from the centerline of the alley.

2. Any accessory structure located in a required yard shall be separated from its principal structure by a minimum of 5 feet. This requirement does not apply to terraced garages that comply with subsection 23.44.016.C.9.b.

3. Except for detached accessory dwelling units, ~~((in subsection 23.44.041.B,))~~ any accessory structure located in a required yard shall meet both the following standards:

a. A maximum height of 12 feet; and

b. A maximum size of 1,000 square feet in area.

4. Any detached accessory dwelling unit located in a required yard is subject to the requirements of subsection 23.44.041.C.

* * *

Section 3. Section 23.44.017 of the Seattle Municipal Code, enacted by Ordinance 125791, is amended as follows

23.44.017 Density limits

A. In SF 5000, SF 7200, and SF 9600 zones, only one single-family dwelling unit is allowed per lot, except that ~~((an))~~ up to two accessory dwelling units may also be approved pursuant to Section 23.44.041, and except as approved as part of an administrative conditional use permit under Section 25.09.260, a clustered housing planned development under Section 23.44.024, or a planned residential development under Section 23.44.034.

* * *

Section 4. Section 23.44.020 of the Seattle Municipal Code, enacted by Ordinance 125791, is amended as follows:

23.44.020 Tree requirements

A. Tree requirements in SF 5000, SF 7200, and SF 9600 zones

1. Trees sufficient to meet the following requirements shall be provided when single-family dwelling units are constructed:

a. For lots over 3,000 square feet, at least 2 caliper inches of tree per 1,000 square feet of lot area.

b. On lots that are 3,000 square feet or smaller, at least 3 caliper inches of tree.

2. Trees sufficient to meet the following requirements shall be provided when a new structure, or an addition to an existing structure, containing an accessory dwelling unit is constructed:

a. For lots that do not contain the minimum number of caliper inches of tree required by subsection 23.44.020.A.1 at the time a permit application is submitted for any number of accessory dwelling units, at least 2 caliper inches of tree shall be planted;

b. For lots that contain the minimum number of caliper inches of tree required by subsection 23.44.020.A.1 at the time a permit application is submitted for any number of accessory dwelling units, no new trees are required.

~~((2))~~ 3. The minimum number of caliper inches of tree required may be met by preserving existing trees, planting new trees, or by a combination of preservation and planting. The preservation or planting of trees in the right-of-way may be counted, provided that they are approved by the Director of Transportation.

~~((3))~~ 4. Submerged land shall not be included in calculating lot area for purposes of either the tree preservation option or tree planting option.

1 ((4)) 5. Tree measurements. Trees planted to meet the requirements in this
2 subsection 23.44.020.A shall be at least 1.5 inches in diameter. The diameter of new trees shall
3 be measured (in caliper inches) 6 inches above the ground. Existing trees shall be measured 4.5
4 feet above the ground. When an existing tree is 3 to 10 inches in diameter, each 1 inch counts as
5 1 inch toward meeting the tree requirements in this subsection 23.44.020.A. When an existing
6 tree is more than 10 inches in diameter, each 1 inch of the tree that is over 10 inches shall count
7 as 3 inches toward meeting the tree requirement.

8 ((5)) 6. Tree preservation plans. If the tree preservation option is chosen, a
9 tree preservation plan must be submitted by a certified arborist and approved. Tree preservation
10 plans shall provide for protection of trees during construction according to standards
11 promulgated by the Director.

12 7. The owner of the subject lot shall ensure that the trees planted remain
13 healthy for at least five years after inspection by the City and be responsible for replacing any
14 trees that do not remain healthy after inspection by the City.

15 * * *

16 Section 5. Section 23.44.041 of the Seattle Municipal Code, last amended by Ordinance
17 125791, is amended as follows:

18 **23.44.041 Accessory dwelling units**

19 A. (~~(Accessory dwelling units, general provisions)~~) General provisions. The Director
20 may authorize an accessory dwelling unit, and that dwelling unit may be used as a residence,
21 only under the following conditions:

1. Number of accessory dwelling units allowed on a lot

a. In an SF 5000, SF 7200, or SF 9600 zone, a lot with or proposed for a principal single-family dwelling unit may have ~~((no more than one))~~ up to two accessory dwelling units, provided that the following conditions are met:

1) Only one accessory dwelling unit may be a detached accessory dwelling unit; and

2) A second accessory dwelling unit is allowed only if : (1) the applicant makes a commitment that the new principal structure or the new accessory structure containing a detached accessory dwelling unit will meet a green building standard and shall demonstrate compliance with that commitment, all in accordance with Chapter 23.58D. A second accessory dwelling unit that is proposed within an existing structure does not require the structure to be updated to meet the green building standard; or (2) if the second accessory dwelling unit is a rental unit affordable to and reserved solely for “income-eligible households,” as defined in Section 23.58A.004, and is subject to an agreement specifying the affordable housing requirements under this subsection approved by the Director of Housing to ensure that the housing shall serve only income-eligible households for a minimum period of 50 years. The monthly rent, including basic utilities, shall not exceed 30 percent of the income limit for the unit, all as determined by the Director of Housing, and the housing owner shall submit a report to the Office of Housing annually that documents how the affordable housing meets the terms of the recorded agreement. Prior to issuance, and as a condition to issuance, of the first building permit for a project, the applicant shall execute and record a declaration in a form acceptable to the Director that shall commit the applicant to satisfy the conditions to establishing a second accessory dwelling unit as approved by the Director.

b. In an RSL zone, each principal dwelling unit may have no more than one accessory dwelling unit.

2. In the Shoreline District, accessory dwelling units shall be as provided in Chapter 23.60A; where allowed in the Shoreline District, they are also subject to the provisions in this Section 23.44.041.

~~((3. The owner(s) of the lot shall comply with the owner occupancy requirements of subsection 23.44.041.C.~~

4)) 3. Any number of related persons may occupy each unit ~~((in a single-family dwelling unit))~~ on a lot with ((an)) one or more accessory dwelling units. ~~((; provided that, if))~~ If unrelated persons occupy ~~((either))~~ any dwelling unit, the total number of persons occupying ~~((both))~~ all dwelling units may not altogether exceed eight if there is one accessory dwelling unit on the lot. If two accessory dwelling units exist on the lot, the total number of unrelated persons occupying all units may not altogether exceed 12.

~~((5. All accessory dwelling units are required to meet the development standards in Table A for 23.44.041, unless modified in subsection 23.44.041.B:~~

Table A for 23.44.041

Development standards for all accessory dwelling units

a. Maximum gross floor area	Attached accessory dwelling units are limited to 1,000 square feet, including garage and storage area. ¹ Detached accessory dwelling units are limited to 800 square feet, including any garage and storage area provided in the same structure as the accessory dwelling unit, but excluding areas below grade, measured as set forth in Section 23.86.007.
b. Entrances	In SF 5000, SF 7200, and SF 9600 zones, only one entrance to the structure may be located on each street facing facade of the dwelling unit. ²

Footnotes to Table A for 23.44.041:

¹The gross floor area of an attached accessory dwelling unit may exceed 1,000 square feet only if the portion of the structure in which the accessory dwelling unit is located was in existence as of June 1, 1999, and if the entire accessory dwelling unit is located on one level, except that a garage for the accessory dwelling unit may be located on a different level.

²More than one entrance may be allowed if: a) two entrances on the street-facing facade

Table A for 23.44.041

Development standards for all accessory dwelling units

existed on January 1, 1993; or b) the Director determines that topography, screening, or another design solution is effective in de-emphasizing the presence of a second entrance.))

1 4. In an SF 5000, SF 7200, or SF 9600 zone, accessory dwelling units are
2 subject to the tree requirements in subsection 23.44.020.A.2.

3 ((6)) 5. ((Except on lots located within areas that are defined as either an
4 urban center or urban village in the City's Comprehensive Plan, one off-street parking space is
5 required for the accessory dwelling unit and may be provided as tandem parking with the parking
6 space provided for the principal dwelling unit.)) No off-street parking is required for accessory
7 dwelling units. An existing required parking space may not be eliminated to accommodate an
8 accessory dwelling unit unless it is replaced elsewhere on the lot. ((Except for lots located in
9 either Map A for 23.54.015, University District Parking Impact Area, or Map B for 23.54.015,
10 Alki Area Parking Overlay, the Director may waive the off-street parking space requirement for
11 an accessory dwelling unit if:

12 a. — The topography or location of existing principal or accessory
13 structures on the lot makes provision of an off-street parking space physically infeasible; or

14 b. — The lot is located in a restricted parking zone (RPZ) and a current
15 parking study is submitted showing a utilization rate of less than 75 percent for on-street parking
16 within 400 feet of all property lines of the site.))

17 B. Attached accessory dwelling units. Attached accessory dwelling units are subject
18 to the following additional conditions:

1. The gross floor area of an attached accessory dwelling unit may not exceed 1,000 square feet, excluding garage area, unless the portion of the structure in which the attached accessory dwelling unit is located existed as of December 31, 2017.

2. In an SF 5000, SF 7200, or SF 9600 zone, only one entrance to the structure may be located on each street-facing facade of the structure, unless multiple entrances on the street-facing facade existed on January 1, 1993, or unless the Director determines that topography, screening, or another design solution is effective in de-emphasizing the presence of an additional entrance.

~~((B)) C.~~ ~~((Accessory))~~ Detached accessory dwelling units. ~~((, detached, additional provisions. The Director may authorize a detached))~~ Detached accessory dwelling units are ~~((, and that unit may be used as a residence, only under the conditions set forth in subsection 23.44.041.A and))~~ subject to the following additional conditions:

1. Detached accessory dwelling units are required to meet the additional development standards set forth in Table ~~((B))~~ A for 23.44.041.

Table ((B)) <u>A</u> for 23.44.041 Development standards for detached accessory dwelling units^{1,2}	
a. Minimum lot size	((4,000)) <u>3,200</u> square feet
b. Minimum lot width	25 feet
c. Minimum lot depth	70 feet ^{3 ((2))}
d. Maximum lot coverage	((The provisions of Section 23.44.010 apply.)) <u>Detached accessory dwelling units are subject to the requirements governing maximum lot coverage and lot coverage exceptions in subsections 23.44.010.C and 23.44.010.D.</u>
e. Maximum rear yard coverage	((A detached)) <u>Detached accessory dwelling units, together with any other accessory structures and other portions of the principal structure, ((is limited to a maximum combined coverage of 40 percent of the rear yard)) are subject to the requirements governing maximum rear yard coverage exceptions in subsections 23.44.014.D.</u>

Table ((B)) A for 23.44.041

Development standards for detached accessory dwelling units^{1,2}

f. Maximum ((gross floor area)) <u>size</u>	((800)) The gross floor area of a detached accessory dwelling unit may not exceed 1,000 square feet ((including)) <u>excluding</u> garage and storage areas, ((but excluding covered)) porches and covered decks that are less than 25 square feet in area, and ((underground areas measured as set forth in Section 23.86.007)) gross floor that is underground. Up to 35 square feet of floor area dedicated to long-term bicycle parking shall be exempt from the gross floor area calculation for a detached accessory dwelling unit. The bicycle parking area shall be provided in a safe, and convenient location, emphasizing user convenience and theft deterrence, and shall be located where bicyclists are not required to carry bicycles on stairs to access the parking. Where practicable, long-term bicycle parking shall include a variety of rack types to accommodate different types of bicycles.				
g. Front yard	A detached accessory dwelling unit may not be located within the front yard required by subsection 23.44.014.B, except on a through lot pursuant to Section 23.40.030 or Section 23.40.035, ((and row i of this Table B for 23.44.041.))				
h. Minimum side yard	((The provisions of subsection 23.44.014.C apply.⁷)) A detached accessory dwelling unit may not be located within the side yard required by subsection 23.44.014.B except as provided in subsection 23.44.014.C.3 or 23.44.014.C.4. ⁴				
i. Minimum rear yard	A detached accessory dwelling unit may be located within a required rear yard if it is not within 5 feet of any lot line, unless the lot line is adjacent to an alley, in which case a detached accessory dwelling unit may be located at that lot line. ^{((3,)) 4, 5, 6}				
j. Location of entry	((Entrances to detached accessory dwelling units may not be located on facades)) If the entrance to a detached accessory dwelling unit is located on a facade facing ((the nearest)) a side lot line or ((the)) a rear lot line, the entrance may not be within 10 feet of that lot line unless ((the nearest side)) that lot line ((or rear lot line)) abuts an alley or other public right-of-way.				
k. Maximum height limits ^{7, 8, 9 ((6))}	Lot width (feet)				
	Less than 30	30 ((or greater)) up to ((35)) 40	((Above 35 up to 40))	((Above)) 40 up to 50 ⁽⁽⁶⁾⁾	50 or greater
	(1) Base structure height limit (in feet) ¹⁰	((12)) 14	((14)) 16	((15))	((16)) 18
	(2) Height allowed for pitched roof above base structure height limit (in feet)	3	7	((7))	((6)) 5

Table ((B)) A for 23.44.041

Development standards for detached accessory dwelling units^{1,2}

(3) Height allowed for shed or butterfly roof above base structure height limit (in feet); see Exhibit A for 23.44.041	3	4	((4))	4	4
1. Minimum separation from principal ((structure)) dwelling unit	5 feet				
((m. Number per lot	Only one detached accessory dwelling unit is allowed on a lot.))				

Table ((B)) A for 23.44.041

Development standards for detached accessory dwelling units^{1,2}

Footnotes to Table ((B)) A for 23.44.041

¹ The Director may allow an exception to standards a through f ((;)) and h ((; i, and j)) through k pursuant to subsection ((23.44.041.B.3)) 23.44.041.C.2, for converting existing accessory structures to a detached accessory dwelling unit, including additions to an existing accessory structure.

² The Director may allow an exception to standards i and j if the exception allows for the preservation of an exceptional tree or a tree over 2 feet in diameter measured 4.5 feet above the ground.

~~((2))~~ ³ For lots that do not meet the lot depth requirement ((;)) but have a greater width than depth and an area greater than 5,000 square feet, a detached accessory dwelling unit is permitted, provided the detached accessory dwelling unit is not located in a required yard.

~~((³ The exceptions from standard yard requirements in subsection 23.44.014.C.6.a shall also apply.))~~

⁴ External architectural details with no living area, such as chimneys, eaves, cornices, and columns, may project no closer than 3 feet from any lot line. Bay windows are limited to 8 feet in width and may project no closer than 3 feet from any lot line. Other projections that include interior space, such as garden windows, must start a minimum of 30 inches above the finished floor, have a maximum dimension of 6 feet in height and 8 feet in width, and project no closer than 3 feet from any lot line.

~~((4))~~ ⁵ If the lot line is adjacent to an alley and a detached accessory dwelling unit includes a garage with a vehicle entrance that faces the alley, the garage portion of the structure may not be located within 12 feet of the centerline of the alley.

~~((5))~~ ⁶ On a reversed corner lot, no detached accessory dwelling unit shall be located in that portion of the required rear yard that abuts the required front yard of the adjoining key lot.

~~((6))~~ ⁷ Features such as chimneys, antennas, and flagpoles may extend up to 4 feet above the maximum allowed height.

~~((⁷ Detached accessory dwelling units on lots that have a width greater than 40 feet up to 50 feet may be built to the maximum height limit applicable in the column for lots greater than 50 feet when the detached accessory dwelling unit is located on a lot with a rear lot line that is adjacent to an alley.))~~

⁸ Projections that accommodate windows and result in additional interior space, including dormers, clerestories, and skylights, may extend no higher than the ridge of a pitched roof permitted pursuant to row k if all ((of)) conditions of subsection 23.44.012.C.3 are satisfied.

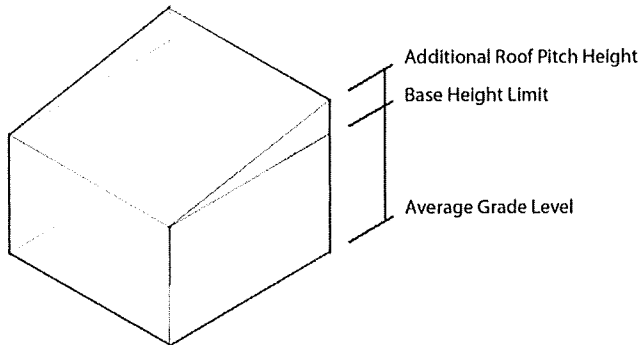
⁹ Any structure with a green roof or other features necessary to meet a green building standard, as defined by the Director by rule, may extend up to 2 feet above the maximum allowed height.

¹⁰ Open railings that accommodate roof decks may extend 4 feet above the base structure height limit.

Exhibit A for 23.44.041

Additional roof pitch height and base height limit

Shed Roof Example



Butterfly Roof Example

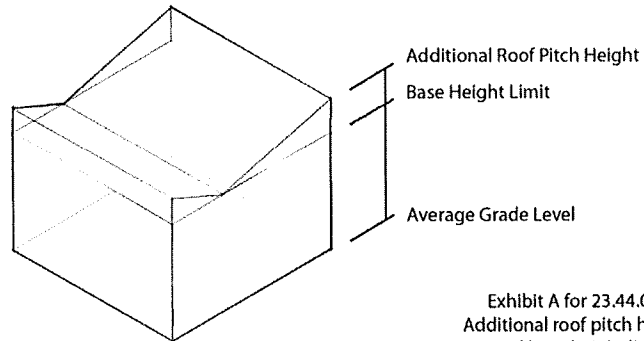


Exhibit A for 23.44.041
Additional roof pitch height
and base height limit

2. Conversion of accessory structures. An existing accessory structure that is not located in a required front yard, or that is located in a front yard where Section 23.40.030 or 23.40.035 applies, may be converted into a detached accessory dwelling unit if the structure complies with the minimum standards set forth in Sections 22.206.010 through 22.206.140 of the Housing and Building Maintenance Code and with the Seattle Residential Code, if work requiring a permit is performed on the structure or has previously been performed without a permit. ~~((The))~~ To allow the conversion of an existing accessory structure, the Director may allow an exception to one or more of the development standards for accessory dwelling units contained in ~~((subsection 23.44.041.A.5 and))~~ standards a through f, and h ~~((, i and j))~~ through k, listed in Table ~~((B))~~ A for 23.44.041, provided the conversion does not increase the structure's nonconformity with the standard. ~~((and))~~ An existing accessory structure may be converted if the applicant can demonstrate that the accessory structure ~~((was constructed))~~ existed prior to ~~((June 1, 1999))~~ December 31, 2017, as an accessory structure. If an accessory structure ~~((constructed))~~ existing prior to ~~((June 1, 1999))~~ December 31, 2017, was replaced to the same configuration in accordance with the standards of Section 23.42.112, then the replacement structure also qualifies for conversion under this subsection 23.44.041.C.2. For purposes of this subsection 23.44.041.C.2, the term "conversion" means either keeping the accessory structure intact or removing and rebuilding the accessory structure, provided that any expansion or relocation of the accessory structure complies with the development standards for detached accessory dwelling units.

~~((C. — Owner occupancy~~

~~1. — Requirement. An owner with at least a 50 percent interest in the property must occupy either the principal dwelling unit or the accessory dwelling unit for six or more~~

1 ~~months of each calendar year as the owner's permanent residence. The Director may waive this~~
2 ~~requirement for up to three years if a letter is submitted that provides evidence to the Director~~
3 ~~showing good cause why the requirement for owner occupancy should be waived. Good cause~~
4 ~~may include job dislocation, sabbatical leave, education, or illness.~~

5 2. ~~Violation. If an owner is unable or unwilling to fulfill the requirements of~~
6 ~~subsection 23.44.041.C.1, the owner shall remove those features of the accessory dwelling unit~~
7 ~~that make it a dwelling unit. Failure to do so will constitute a violation of this Title 23 and the~~
8 ~~owner will be subject to penalties pursuant to Sections 23.90.018, 23.90.019 and 23.90.020.~~

9 3. ~~Covenant recording. Prior to issuance of a permit establishing an~~
10 ~~accessory dwelling unit, the owner(s) shall sign under oath and record in the King County~~
11 ~~Recorder a covenant by the owner(s) to the City of Seattle stating that the owner(s) agree to~~
12 ~~restrict use of the principal and accessory dwelling units in compliance with the requirements of~~
13 ~~this subsection 23.44.041.C and notify all prospective purchasers of those requirements. Falsely~~
14 ~~certifying to the terms of the covenant or failure to comply with the terms of the covenant is~~
15 ~~subject to penalties pursuant to Sections 23.90.018, 23.90.019 and 23.90.020.~~

16 The covenant shall run with the land and be binding upon the property owner,
17 his/her heirs and assigns, and upon any parties subsequently acquiring any right, title or interest
18 in the property. The covenant shall be in a form prescribed by the Director that includes the legal
19 description of the principal use lot. The property owner(s) shall return the original covenant with
20 recording stamp to the Department before the building permit for the accessory dwelling unit is
21 issued.

22 4. ~~Covenant release. At the request of a property owner and after an~~
23 ~~inspection finding that an accessory dwelling unit has been removed from the owner's property,~~

1 ~~the Department shall record a release of any previously recorded covenant for that accessory~~
2 ~~dwelling unit.))~~

3 D. Single-family status unaffected. A single-family lot with any number of accessory
4 dwelling units shall be considered a single-family ((~~residence~~)) dwelling unit for purposes of
5 rezoning criteria (Section 23.34.011).

6 Section 6. Section 23.45.545 of the Seattle Municipal Code, last amended by Ordinance
7 125791, is amended as follows:

8 **23.45.545 Standards for certain accessory uses**

9 ***

10 I. In LR zones, accessory dwelling units are allowed((~~7~~)) in single-family, rowhouse and
11 townhouse units, as follows:

12 1. One accessory dwelling unit is allowed for each single-family, rowhouse, or
13 townhouse unit that is a "principal unit."~~((7))~~ A "principal unit" is a dwelling unit that is not an
14 accessory dwelling unit.

15 2. ~~((The owner of a principal unit shall comply with the owner occupancy~~
16 ~~requirements of subsection 23.44.041.C.~~

17 ~~3.))~~2. The height limit for a detached accessory dwelling unit is 20 feet, except
18 that the ridge of a pitched roof on a detached accessory dwelling unit may extend up to 3 feet
19 above the 20-foot height limit. All parts of the roof above the height limit shall be pitched at a
20 rate of not less than 4:12. No portion of a shed roof is permitted to extend beyond the 20-foot
21 height limit.

22 ~~((4))~~3. The maximum gross floor area of an accessory dwelling unit is 650 square
23 feet, provided that the total gross floor area of the accessory dwelling unit does not exceed 40

percent of the total gross floor area in residential use on the lot or unit lot, if present, exclusive of garages, storage sheds, and other non-habitable spaces.

((5))4. An accessory dwelling unit shall be located completely within the same structure as the principal unit or in an accessory structure located between the single-family, rowhouse, or townhouse unit and the rear lot line.

((6))5. The entrance to an accessory dwelling unit provided within the same structure as the principal unit shall be provided through one of the following configurations:

- a. Through the primary entry to the principal unit; or
- b. Through a secondary entry on a different facade than the primary entry to the principal unit; or
- c. Through a secondary entry on the same facade as the primary entry to the principal unit that is smaller and less visually prominent than the entry to the principal unit, and does not have a prominent stoop, porch, portico or other entry feature.

((7))6. Exterior stairs. Exterior stairs providing access to an accessory dwelling unit may not exceed 4 feet in height, except for exterior stairs providing access to an accessory dwelling unit located above a garage.

((8))7. Parking. Parking is not required for an accessory dwelling unit.

((9))8. In the Shoreline District, accessory dwelling units in single-family, rowhouse, and townhouse units shall be as provided in Chapter 23.60A, and where allowed in the Shoreline District, ((they)) are also subject to the provisions in this subsection 23.45.545.I.

J. Urban farms are subject to the standards in Section 23.42.051 and the conditional use requirement in subsection 23.45.504.C.8.

Section 7. Section 23.84A.002 of the Seattle Municipal Code, last amended by Ordinance 125791, is amended as follows:

23.84A.002 “A”

* * *

“Atrium, shopping.” See “Shopping atrium.”

“Attached accessory dwelling unit.” See “Residential use.”

“Automobile wrecking yard.” See “Solid waste management, Salvage yard,” under “Utility.”

* * *

Section 8. Section 23.84A.032 of the Seattle Municipal Code, last amended by Ordinance 125603, is amended as follows:

23.84A.032 “R”

* * *

“Residential use” means any one or more of the following:

1. “Accessory dwelling unit” means one or more rooms that:
 - a. ~~((are))~~ Are located within ~~((an owner-occupied))~~ a principal dwelling unit ~~((;))~~ or within an accessory structure on the same lot as ~~((an owner-occupied))~~ a principal dwelling unit;
 - b. ~~((meet))~~ Meet the standards of Section 23.44.041, ~~((or))~~ Section 23.45.545, or Chapter 23.47A, as applicable;
 - c. ~~((are))~~ Are designed, arranged, and intended to be occupied by not more than one household as living accommodations independent from any other household; and
 - d. ~~((are))~~ Are so occupied or vacant.

1 2. “Attached accessory dwelling unit” means an accessory dwelling unit that
2 is within a principal dwelling unit.

3 ((2)) 3. “Adult family home” means an adult family home defined and
4 licensed as such by ((The)) the State of Washington in a dwelling unit.

5 ((3)) 4. “Apartment” means a multifamily residential use that is not a
6 cottage housing development, rowhouse development, or townhouse development.

7 ((4)) 5. “Artist’s studio/dwelling” means a combination working studio
8 and dwelling unit for artists, consisting of a room or suite of rooms occupied by not more than
9 one household.

10 ((5)) 6. “Assisted living facility” means a use licensed by ((The)) the State
11 of Washington as a boarding home pursuant to RCW Chapter 18.20((;)) that contains at least two
12 assisted living units for people who have either a need for assistance with activities of daily
13 living (which are defined as eating, toileting, ambulation, transfer ((f)) (e.g., moving from bed to
14 chair or chair to bath), ((;)) and bathing) or some form of cognitive impairment but who do not
15 need the skilled critical care provided by nursing homes. See “Assisted living unit.”

16 ((6)) 7. “Carriage house” means a dwelling unit in a carriage house
17 structure.

18 ((7)) 8. “Carriage house structure” means a structure within a cottage
19 housing development, in which one or more dwelling units are located on the story above an
20 enclosed parking garage at ground level that either abuts an alley and has vehicle access from
21 that alley, or is located on a corner lot and has access to the parking in the structure from a
22 driveway that abuts and runs parallel to the rear lot line of the lot. See also “Carriage house.”

1 ((8)) 9. “Caretaker’s quarters” means a use accessory to a non-residential
2 use consisting of a dwelling unit not exceeding 800 square feet of living area and occupied by a
3 caretaker or watchperson.

4 ((9)) 10. “Congregate residence” means a use in which rooms or lodging,
5 with or without meals, are provided for nine or more non-transient persons not constituting a
6 single household, excluding single-family dwelling units for which special or reasonable
7 accommodation has been granted.

8 ((10)) 11. “Cottage housing development” means a use consisting of cottages
9 arranged on at least two sides of a common open space or a common amenity area. A cottage
10 housing development may include a carriage house structure. See “Cottage,” “Carriage house,”
11 and “Carriage house structure.”

12 ((11)) 12. “Detached accessory dwelling unit” means an accessory dwelling
13 unit in an accessory structure.

14 ((12)) 13. “Domestic violence shelter” means a dwelling unit managed by a
15 nonprofit organization, which unit provides housing at a confidential location and support
16 services for victims of domestic violence.

17 ((13)) 14. “Floating home” means a dwelling unit constructed on a float that
18 is moored, anchored, or otherwise secured in the water.

19 ((14)) 15. “Mobile home park” means a tract of land that is rented for the use
20 of more than one mobile home occupied as a dwelling unit.

21 ((15)) 16. “Multifamily residential use” means a use consisting of two or
22 more dwelling units in a structure or portion of a structure, excluding accessory dwelling units.

1 ((146)) 17. “Multifamily residential use, low-income disabled” means a
2 multifamily residential use in which at least 90 percent of the dwelling units are occupied by one
3 or more persons who have a handicap as defined in the Federal Fair Housing Amendments Act
4 and who constitute a low-income household.

5 ((147)) 18. “Multifamily residential use, low-income elderly” means a
6 residential use in which at least 90 percent of the dwelling units are occupied by one or more
7 persons 62 or more years of age who constitute a low-income household.

8 ((148)) 19. “Multifamily residential use, low-income elderly/low-income
9 disabled” means a multifamily residential use in which at least 90 percent of the dwelling units
10 (not including vacant units) are occupied by a low-income household that includes a person who
11 has a handicap as defined in the Federal Fair Housing Amendment Act or a person 62 years of
12 age or older, as long as the housing qualifies for exemptions from prohibitions against
13 discrimination against families with children and against age discrimination under all applicable
14 fair housing laws and ordinances.

15 ((149)) 20. “Nursing home” means a use licensed by ~~((The))~~the State of
16 Washington as a nursing home, which provides full-time convalescent and/or chronic care for
17 individuals who, by reason of chronic illness or infirmity, are unable to care for themselves, but
18 that does not provide care for the acutely ill or surgical or obstetrical services. This definition
19 excludes hospitals or sanitariums.

20 ((20)) 21. “Rowhouse development” means a multifamily residential use in
21 which all principal dwelling units on the lot meet the following conditions:

22 a. ~~((each))~~ Each dwelling unit occupies the space from the ground to
23 the roof of the structure in which it is located;

b. ~~((no))~~ No portion of a dwelling unit, except for an accessory dwelling unit or shared parking garage, occupies space above or below another dwelling unit;

c. ~~((each))~~ Each dwelling unit is attached along at least one common wall to at least one other dwelling unit, with habitable interior space on both sides of the common wall, or abuts another dwelling unit on a common lot line;

d. ~~((the))~~ The front of each dwelling unit faces a street lot line;

e. ~~((each))~~ Each dwelling unit provides pedestrian access directly to the street that it faces; and

f. ~~((no))~~ No portion of any other dwelling unit, except for an attached accessory dwelling unit, is located between any dwelling unit and the street faced by the front of that unit.

~~((21))~~ 22. “Single-family dwelling unit” means a detached principal structure having a permanent foundation, containing one dwelling unit, except that the structure may also contain ~~((an))~~ one or two attached accessory dwelling units where expressly authorized pursuant to this Title 23. A detached accessory dwelling unit is not considered a single-family dwelling unit for purposes of this Chapter 23.84A.

~~((22))~~ 23. “Townhouse development” means a multifamily residential use that is not a rowhouse development, and in which:

a. ~~((each))~~ Each dwelling unit occupies space from the ground to the roof of the structure in which it is located;

b. ~~((no))~~ No portion of a dwelling unit occupies space above or below another dwelling unit, except for an attached accessory dwelling unit and except for dwelling units constructed over a shared parking garage; and

1 c. ~~((each))~~ Each dwelling unit is attached along at least one common
2 wall to at least one other dwelling unit, with habitable interior space on both sides of the
3 common wall, or abuts another dwelling unit on a common lot line.

4 * * *

5 Section 9. Section 23.84A.038 of the Seattle Municipal Code, last amended by Ordinance
6 125792, is amended as follows:

7 **23.84A.038 “T”**

8 * * *

9 “Tree, exceptional” means a tree designated as such per Chapter 25.11.

10 “Triplex” means a single structure containing three ~~((3))~~ dwelling units, none of which
11 is an accessory dwelling unit authorized under Section 23.44.041.

12 Section 10. Section 23.86.007 of the Seattle Municipal Code, last amended by Ordinance
13 125791, is amended as follows:

14 **23.86.007 Floor area and floor area ratio measurement**

15 * * *

16 D. Pursuant to subsections 23.44.011.C, 23.44.018.A, 23.45.510.D, and
17 23.47A.013.B, and Section 23.48.020, for certain structures in ~~((RSL))~~ single-family,
18 multifamily, commercial, and Seattle Mixed zones, portions of a story that extend no more than 4
19 feet above existing or finished grade, whichever is lower, are exempt from calculation of gross
20 floor area. The exempt gross floor area of such partially below-grade stories is measured as
21 follows:

1. Determine the elevation 4 feet below the ceiling of the partially below-grade story, or 4 feet below the roof surface if there is no next floor above the partially below-grade story;

2. Determine the points along the exterior wall of the story where the elevation determined in subsection 23.86.007.D.1 (~~above~~) intersects the abutting corresponding existing or finished grade elevation, whichever is lower;

3. Draw a straight line across the story connecting the two points on the exterior walls; and

4. The gross floor area of the partially below-grade story or portion of a partially below-grade story is the area of the story that is at or below the straight line drawn in subsection 23.86.007.D.3, excluding openings required by the Building Code for egress. (See Exhibit B for 23.86.007.)

* * *

Section 11. The Seattle Department of Construction and Inspections (SDCI) shall report annually for five years after implementation to the Planning, Land Use and Zoning Committee, or its successor committee, on citywide accessory dwelling unit permit activity. The report shall be delivered to the City Council by no later than June 30 of the following calendar year, with the first report due on June 30, 2021, and the final report due on June 30, 2025. This annual report shall include detailed information on all attached and detached accessory dwelling unit (ADU) permits issued and all permits finalized, including:

A. The number of permits issued to construct ADUs and the number of permits finalized over the previous five-year period. This should include the number of permits issued and

1 finalized for a second ADU and details on whether the second ADU was constructed in a new
2 structure or through conversion of or an addition to an existing structure;

3 B. The number of permits issued for ADUs that were associated with the
4 redevelopment of a single-family lot that included demolition of a principal single-family
5 dwelling unit;

6 C. A map that shows the location and dispersion of both attached and detached
7 accessory dwelling units, including the number and location of lots that have two ADUs;

8 D. For each detached accessory dwelling unit permit issued, the report shall state the
9 height, gross floor area, total square footage of the lot where the detached accessory dwelling
10 unit is located, and total lot coverage of all structures on the lot;

11 E. Information on the number of short-term rental operator licenses issued by the
12 Department of Finance and Administrative Services (FAS) that authorizes short-term rental use
13 in an ADU. In addition, the City Council requests that SDCI work with FAS to develop this
14 information and identify recommendations, as appropriate, for modifications to the regulations
15 governing short-term rental use. If the report reveals that a significant number of accessory
16 dwelling units are being used solely as short-term rentals, the City Council intends to impose
17 additional restrictions or a prohibition on short-term rental use in accessory dwelling units; and

18 F. The number of ADU permits that have included the addition of new off-street
19 parking spaces. In addition, SDCI shall report on parking-related impacts, if any, that have been
20 identified by the City as a result of new ADUs in an area. This should include a recommendation
21 on any modifications the City Council should consider to the off-street parking requirements for
22 accessory dwelling units, including geographic specific recommendations.

1 G. By July 1, 2022, SDCI and the Office of Planning and Community Development
2 (OPCD) shall conduct a voluntary survey of ADU owners and occupants to collect descriptive
3 statistics of owners and occupants of ADUs. This shall include information on the use, size,
4 financing, rent charged, ownership, design, and construction of ADUs built in Seattle, and
5 general demographic information of ADU owners and occupants. Any information collected
6 must be in compliance with applicable legal limitations. OPCD and SDCI shall provide a report
7 to the Planning, Land Use and Zoning Committee, or its successor committee, on the survey
8 results. In addition, OPCD and SDCI shall report on challenges to constructing ADUs identified
9 through the survey results and recommend changes to address identified challenges.

10 Section 12. The City Council requests that the Seattle Department of Construction and
11 Inspections develop a process to ensure that, at the time a permit to construct an accessory
12 dwelling unit is issued, property owners are provided educational materials about becoming a
13 landlord, including applicable state and local laws about landlord obligations and the rights of
14 renters. In addition, SDCI shall notify those property owners of any available trainings for
15 landlords.

16 Section 13. The City Council requests that the Seattle Department of Construction and
17 Inspections (SDCI) develop an amnesty program for accessory dwelling units that were
18 constructed without permits. The program shall permit owners of accessory dwelling units
19 constructed without a permit to come forward during a certain time period and legalize their
20 units without penalty. SDCI shall develop standards that will not discourage owners from
21 seeking legalization of the units voluntarily, including identifying the potential for flexibility
22 from Land Use Code and Building Code standards that would simplify and reduce the cost of
23 legalizing these units while ensuring that the accessory dwelling units are safe and habitable.


1 Section 14. The City Council requests that the Office of Housing (OH) reports to the
2 Council by September 1, 2020, on the outcomes and lessons learned from the pilot program that
3 authorizes loans to low-income homeowners who want to create additional habitable space or an
4 accessory dwelling unit on their property. In addition, OH shall provide recommendations on the
5 potential for expanding this program, or creating a new program, to offer financial support to any
6 homeowner who enters into an agreement to offer the ADU as a rent- and income-restricted unit.

7 Section 15. The Council requests that the Seattle Department of transportation consider
8 opportunities to increase access to public bicycle parking areas in single-family zones.

9 Section 16. Section 1 of this ordinance shall take effect and be in force on March 1, 2020.

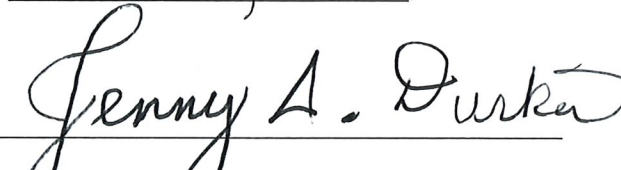
Section 17. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the 1st day of July, 2019,
and signed by me in open session in authentication of its passage this 1st day of
July, 2019.




President Pro Tem of the City Council

Approved by me this 9th day of July, 2019.



Jenny A. Durkan, Mayor

Filed by me this 9th day of July, 2019.



Monica Martinez Simmons, City Clerk

(Seal)



SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	CBO Contact/Phone:
LEG	Aly Pennucci / 684-8148	n/a

** Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

1. BILL SUMMARY

Legislation Title: AN ORDINANCE relating to land use and zoning, amending Sections 23.44.011, 23.44.014, 23.44.017, 23.44.020, 23.44.041, 23.45.545, 23.84A.002, 23.84A.032, 23.84A.038, and 23.86.007 of the Seattle Municipal Code to remove barriers to the creation of attached and detached accessory dwelling units and add a floor area ratio requirement in certain single-family zones.

Summary and background of the Legislation: Since 1994 and 2010 attached and detached Accessory Dwelling Units (ADUs), respectively, have been allowed citywide as part of a main house or in the backyard of lots in single-family zones. This legislation would amend the Land Use Code, modifying the rules regulating when and where a property owner can create an ADU. The proposed changes to the Land Use Code include: allowing two ADUs on a lot, removing the existing off-street parking and owner-occupancy requirements for ADUs, introducing a Floor Area Ratio (FAR) limit for single-family lots, increasing the maximum household size for lots that have two ADUs, and other changes to the size and location development standards regulating Detached ADUs.

In September 2014, the City Council adopted [Resolution 31547](#), directing the Department of Planning and Development staff, now the Office of Planning and Community Development (OPCD), to explore policy changes to encourage development of ADUs. In response, OPCD proposed changes to the Land Use Code and, under the leadership of Councilmember O'Brien, drafted legislation for environmental review under the State Environmental Policy Act (SEPA). OPCD prepared an [environmental checklist](#) evaluating the potential environmental impacts of the proposed changes and issued a [determination of non-significance](#) in 2016. The determination of non-significance was appealed, and in December 2016, the Seattle Hearing Examiner issued a decision on the appeal that required a more thorough review of the potential environmental impacts of the proposal.

Based on the Hearing Examiner's decision, Council Central Staff initiated the process to develop an Environmental Impact Statement (EIS) in 2017. On October 4, 2018, the [Final EIS](#) was issued. Following the release of the Final EIS in October 2018, an appeal of the adequacy of the Final EIS was filed with the City's Hearing Examiner. The hearing for this appeal concluded on March 29, 2019. On May 13, 2019, the Deputy Hearing Examiner [ruled](#) that the environmental review of the proposal to amend the Land Use Code to encourage ADUs adequately explores the potential environmental impacts of the proposal, clearing the way for the City Council to act on legislation.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? ☐ Yes ☒ No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? ☐ Yes ☒ No

If there are no changes to appropriations, revenues, or positions, please delete the table below.

Does the legislation have other financial impacts to the City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?

If so, describe the nature of the impacts. This could include increased operating and maintenance costs, for example.

Is there financial cost or other impacts of *not* implementing the legislation?

Estimate the costs to the City of not implementing the legislation, including estimated costs to maintain or expand an existing facility or the cost avoidance due to replacement of an existing facility, potential conflicts with regulatory requirements, or other potential costs or consequences.

This legislation adds, changes, or deletes positions.

4. OTHER IMPLICATIONS

a. Does this legislation affect any departments besides the originating department?

Yes, the Department of Construction and Inspections will administer the provisions of the land use code but additional resources and not anticipated at this time. Resources may be needed in the future to address technology or training needs, however, permit fee revenue should cover the costs of administering the proposed changes.

b. Is a public hearing required for this legislation?

Yes, a public hearing is scheduled on June 11.

c. Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?

If yes, please describe the measures taken to comply with RCW 64.06.080.

No

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

For example, legislation related to sale of surplus property, condemnation, or certain capital projects with private partners may require publication of notice. If you aren't sure, please check with your lawyer. If publication of notice is required, describe any steps taken to comply with that requirement.

Yes, a notice was published regarding the public hearing on May 9th.

e. Does this legislation affect a piece of property?

No

- f. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?**

The proposal is intended to make it easier to build ADUs to provide more housing options and choices in single-family zones.

- g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s).**

The long-term goals are to remove regulatory barriers to increase production of ADUs and increase housing options in single-family zones. The ordinance includes a request for ongoing reporting to determine if the legislation has the intended effect.

List attachments/exhibits below:

STATE OF WASHINGTON -- KING COUNTY

--SS.

375870

No.

CITY OF SEATTLE, CLERKS OFFICE

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:125853-859 TITLE ONLY

was published on

07/16/19

The amount of the fee charged for the foregoing publication is the sum of \$146.63.



Affidavit of Publication

A handwritten signature in blue ink, likely of the notary public, positioned above the signature line.

Subscribed and sworn to before me on

07/16/2019

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

The full text of the following legislation, passed by the City Council on July 01, 2019, and published below by title only, will be mailed upon request, or can be accessed at <http://seattle.legistar.com>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>.

Ordinance 125853

Council Bill 119540

AN ORDINANCE relating to historic preservation; imposing controls upon the Ainsworth & Dunn Warehouse, a landmark designated by the Landmarks Preservation Board under Chapter 25.12 of the Seattle Municipal Code, and adding it to the Table of Historical Landmarks contained in Chapter 25.32 of the Seattle Municipal Code.

Ordinance 125854

Council Bill 119544

AN ORDINANCE relating to land use and zoning, amending Sections 23.44.011, 23.44.014, 23.44.017, 23.44.020, 23.44.041, 23.45.545, 23.84A.002, 23.84A.032, 23.84A.038, and 23.86.007 of the Seattle Municipal Code to remove barriers to the creation of attached and detached accessory dwelling units and add a floor area ratio requirement in certain single-family zones.

Ordinance 125855

Council Bill 119547

AN ORDINANCE relating to a Community Service Officer program; amending Ordinance 125724, which adopted the 2019 budget; lifting a proviso; and ratifying and confirming certain prior acts.

Ordinance 125856

Council Bill 119552

AN ORDINANCE related to Yesler Crescent Improvements; amending Ordinance 125724, which adopted the 2019 budget including the 2019-2024 Capital Improvement Program (CIP); lifting a proviso imposed on the Department of Parks and Recreation's Building for the Future Budget Summary Level in 2019 for improvements to the Yesler Crescent Corridor adopted in the 2019 budget; changing appropriations to various departments and budget control levels, and from various funds in the Budget; and revising project allocations for certain projects in the 2019-2024 CIP; and ratifying and confirming certain prior acts.

Ordinance 125857

Council Bill 119553

AN ORDINANCE relating to City employment; authorizing the execution of a collective bargaining agreement between The City of Seattle and the International Brotherhood of Electrical Workers Local Union No. 77 Power Marketers Unit to be effective January 1, 2017 to December 31, 2020; and ratifying and confirming certain prior acts.

Ordinance 125858

Council Bill 119558

AN ORDINANCE relating to City streets; changing the name of the designated Festival Street portion of East Denny Way between Broadway East and 10th Avenue East to East Barbara Bailey Way; and superseding the relevant portions of Ordinance 4044, Ordinance 89910, Ordinance 102981, and any other ordinance to the extent inconsistent.

Ordinance 125859

Council Bill 119559

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

Date of publication in the Seattle Daily Journal of Commerce, July 16, 2019.

7/16(375870)