

Ordinance No. 124259

The City of Seattle – Legislative Department

Council Bill No. ~~117887~~ 117898

Council Bill/Ordinance sponsored by: Richard C. ...

AN ORDINANCE relating to land use and zoning; extending by six months the effect of interim development regulations to prohibit incompatible buildings on undersized single-family-zoned lots; and declaring an emergency requiring a three-fourths vote of the City Council so that the ordinance may take effect immediately.

Committee Action:

Date	Recommendation	Vote

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

Full Council Action:

Date	Decision	Vote
9/9/13	Passed	9-0

Related Legislation File: _____

Date Introduced and Referred: <u>9.3.13</u>	To: (committee): <u>Full Council</u>
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: <u>9/9/13</u>	Date Presented to Mayor: <u>9/11/13</u>
Date Signed by Mayor: <u>9/16/13</u>	Date Returned to City Clerk: <u>9/16/13</u>
Published by Title Only <input checked="" type="checkbox"/>	Date Vetoed by Mayor:
Published in Full Text _____	
Date Veto Published:	Date Passed Over Veto:
Date Veto Sustained:	Date Returned Without Signature:

Law Department

CITY OF SEATTLE
ORDINANCE 124269
COUNCIL BILL 117898

AN ORDINANCE relating to land use and zoning; extending by six months the effect of interim development regulations to prohibit incompatible buildings on undersized single-family-zoned lots; and declaring an emergency requiring a three-fourths vote of the City Council so that the ordinance may take effect immediately.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The City Council makes the following legislative findings of fact and declarations:

1. Ordinance 123978 adopted interim development regulations regulating development on certain undersized lots located in single-family zones. Ordinance 123978 expires September 20, 2013 unless the duration of that ordinance is extended.

2. Although the City has worked to develop permanent regulations to regulate such development, that work has not been completed and the City Council is unlikely to act upon the proposed permanent regulations until after the expiration of the interim development regulations on September 20, 2013.

3. If the City Council does not adopt permanent development regulations before the expiration of the interim development regulations, City development regulations will revert to the regulations in effect before Ordinance 123978 became effective. If this were to occur, development projects could be permitted that are inconsistent with the public interest, as described in the findings of fact contained in Ordinance 123978, which are hereby incorporated by reference. To prevent such incompatible development an emergency is declared to exist.

1 4. RCW 36.70A.390 authorizes the City to extend the duration of interim development
2 regulations for one or more six-month periods.

3 Section 2. Ordinance 123978 is amended to add a new Section 8 to read as follows:

4 Section 8. This ordinance expires on March 20, 2014.

5 Section 3. By reason of the findings set out in this ordinance, and the emergency that is
6 declared to exist, this ordinance shall become effective immediately upon its passage by a three-
7 fourths vote of the City Council, and its approval by the Mayor, as provided by Article 4,
8 Subsection 1(I) of the Charter of the City.

9 Passed by a three-fourths vote of all the members of the City Council on the 9th day of
10 September 2013, and signed by me in open session in authentication of its passage this
11 9th day of September, 2013.

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15 President _____ of the City Council

16 Approved by me this 16th day of Sept., 2013.

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19 Michael McGinn, Mayor

20 Filed by me this 16 day of September, 2013.

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23 Monica Martinez Simmons, City Clerk

24 (Seal)

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Planning and Development	Ketil Freeman/48178	Not Applicable

Legislation Title:

AN ORDINANCE relating to land use and zoning; extending by six months the effect of interim development regulations to prohibit incompatible buildings on undersized single-family-zoned lots; and declaring an emergency requiring a three-fourths vote of the City Council so that the ordinance may take effect immediately.

Summary of the Legislation:

This legislation extends interim development regulations adopted by Ordinance 123978 for development on undersized lots. The interim controls extension would expire on March 20, 2014.

In reviewing Land Use Code provisions governing undersized lots and minimum lot area exceptions, the Department of Planning and Development (DPD) has determined that development approved under current standards is often out of character with surrounding conditions and inconsistent with the policy intent of allowing infill development on undersized lots. Interim measures are proposed in order to prevent a rush to obtain permits and develop properties in a manner that is not appropriate while this issue is being studied and legislation for permanent provisions is completed.

The interim measures would:

- Limit application of the lot area exception provided for lots of historic record to those lots with an area of at least 50 percent of the general minimum requirement for the zone.
- End the use of historic tax records as a basis for qualifying for lot area exceptions.
- Continue to allow development of lots with an area of between 50 and 75 percent of the general minimum lot area of the zone (i.e. lots between 2,500 and 3,750 square feet in an SF 5000 zone) by allowing development on such lots to be built to the height and floor area that would be allowed for a detached accessory dwelling unit on a lot of the same dimensions.

Background:

Seattle has imposed minimum lot area requirements in single-family zones since the 1950s, including exceptions to the minimum requirements. Exceptions were allowed for infill housing

opportunities on lots that otherwise would remain vacant, and to allow property owners who had acquired a parcel prior to the adoption of the minimum lot area requirement to continue to benefit from their investment. The latter purpose was the chief reason behind the exception in Section 23.44.010.B.1.d, made for certain historic lots of record prior to July 24, 1957, the date which the City adopted minimum lot area standards and exceptions to those standards.

Unlike most of the lot area exceptions in Section 23.44.010.B, the exception for historic lots of record includes no absolute minimum area requirement. In recent years, development of lots under 50 percent of the minimum lot area requirement has been approved pursuant to the historic lot exception. Development on significantly undersized lots has triggered strong and persistent complaints from neighbors. Typically, the following issues have been raised:

- Development is occurring on lots that are so small that they are out of scale with the surrounding development pattern; neighbors never expected that they could be separately developed.
- In some cases it appears that a lot, although technically treated as separate in an historic record, most likely was never held with any intention that it might someday be separately developed.
- The separate development of lots based on historic tax records does not appear to be justified based on the intent behind the exception made for other historic lots, to preserve the opportunity to develop, as the separate tax lots were not historically created or acquired for separate development. These arcane tax record provisions benefit developers rather than the historic owners of the parcels.
- Houses being built on undersized lots are often taller than surrounding homes, or otherwise present imposing façades or other design problems, due to the desire to maximize potential floor area, at the expense of compatibility with adjacent development.
- Because the development of a house on an undersized lot requires no discretionary review, it triggers no public notice. Neighbors often become aware that the lot is to be separately developed only when construction begins. No administrative appeal is available; the only recourse is to go to court under the Land Use Petition Act, and the opportunity to do that is subject to a very tight deadline.

The Department charges fees to cover the cost of review of these permit applications. The proposed amendments will not add review time or cost. No fiscal impacts are anticipated from the adoption of this legislation. A schedule for adoption of permanent legislation is included in the legislation with an anticipated effective date of September 2013. Fiscal impacts of the future legislation will be considered as part of the preparation of that proposal.

Please check one of the following:

This legislation does not have any financial implications.

This legislation has financial implications.

Other Implications:

- a) **Does the legislation have indirect financial implications, or long-term implications?**
No.
- b) **What is the financial cost of not implementing the legislation?**
None.
- c) **Does this legislation affect any departments besides the originating department?**
No.
- d) **What are the possible alternatives to the legislation that could achieve the same or similar objectives?**
No alternatives have been identified.
- e) **Is a public hearing required for this legislation?**
Yes. The City Council must hold a public hearing, after the vote on this ordinance.
- f) **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**
Yes. Publication of notice of the Council public hearing will be made in *The Daily Journal of Commerce* and in the City's Land Use Information Bulletin.
- g) **Does this legislation affect a piece of property?**
The legislation is of general application to property having the characteristics described in the ordinance.
- h) **Other Issues:** None.

List attachments to the fiscal note below: None.

STATE OF WASHINGTON -- KING COUNTY

--SS.

303050
CITY OF SEATTLE, CLERKS OFFICE

No. 124269,270,271

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.

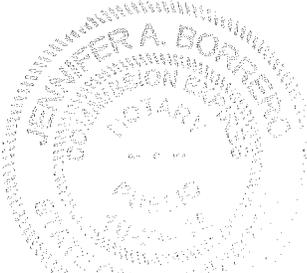
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:TITLE ONLY ORDINANCE

was published on

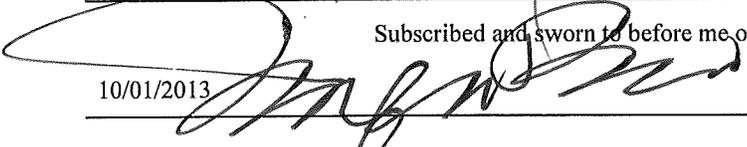
10/01/13

The amount of the fee charged for the foregoing publication is the sum of \$66.00 which amount has been paid in full.



Affidavit of Publication



Subscribed and sworn to before me on
10/01/2013


Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle Title Only Ordinance

The full text of the following legislation, passed by the City Council on September 9, 2013, and published below by title only, will be mailed upon request, or can be accessed at <http://clerk.seattle.gov>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>.

Contact: Office of the City Clerk at (206) 684-8344.

ORDINANCE NO. 124269

AN ORDINANCE relating to land use and zoning; extending by six months the effect of interim development regulations to prohibit incompatible buildings on under-sized single-family-zoned lots; and declaring an emergency requiring a three-fourths vote of the City Council so that the ordinance may take effect immediately.

ORDINANCE NO. 124270

AN ORDINANCE relating to land use and zoning; amending Section 23.47A.013 of the Seattle Municipal Code to implement minimum floor area ratio requirements for lots with pedestrian designations in Neighborhood Commercial zones with Urban Centers, Urban Villages, and the Station Area Overlay District; and declaring an emergency requiring a three-fourths vote of the City Council so that the ordinance may take effect immediately.

ORDINANCE NO. 124271

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

Date of publication in the Seattle Daily Journal of Commerce, October 1, 2013.

10/1(303050)