

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
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Legislation Title: An ordinance related to land use and zoning; repealing Section 23.24.046 and amending Sections 23.22.062, 23.24.045, 23.34.086, 23.44.010, 23.44.012, 23.44.022, 23.84A.004, 23.84A.024, 23.84A.046, and 23.86.010 of the Seattle Municipal Code to adopt permanent development regulations to promote compatible buildings on undersized single-family-zoned lots.

Summary of the Legislation: The proposal would amend certain standards relating to establishment or development of small lots in single-family zones.

An absolute minimum lot area requirement of 2,500 square feet would apply to most lots qualifying under the lot area exceptions provided in the code. The exception provided for historic lots of record prior to 1957 would be tightened to eliminate consideration of tax records and historic mortgages. Multiple vacant lots with areas less than 3,200 square feet on average would have to be consolidated rather than qualifying for separate development. Another lot area exception, the “75/80 Rule” would be modified and clarified to better achieve its intent, in particular creating more consistency in treatment of properties with frontage on more than one block front. A limited new exception, the “100 Percent Rule” would allow certain undersized lots to be created or separately developed if their area is no smaller than the mean area of the other lots on the same block front that are separately developed or qualify for separate development. Standards for adjustment of boundaries between undersized lots are also modified and clarified. This is currently addressed in several Director’s Rules, a few of which have been superseded by a court ruling.

Development of lots under 3,200 square feet in area in any single-family zone would require a Type II approval, allowing public notice and the imposition of conditions to better ensure that new construction is compatible with its surroundings.

Development on lots less than 3,200 square feet in area (counting only the largest rectangle or quadrilateral within the lot lines) would be subject to lower height limits than generally apply in the zone. A base height of 18 feet would be allowed, or a base height of 22 feet if the structure has no more than two floors and a ten-foot floor-to-floor height on the ground floor. Up to five additional feet is allowed for pitched roofs.

A special provision (Section 23.24.046) allowing short subdivision where there are two existing houses would be repealed, and the code would be clarified to reflect that the unit lot subdivision and unit lot short subdivision processes are available to allow separate ownership of such houses.

Modification of definitions and measurement provisions relating to yards and lots is proposed, to clarify and to limit the practice of configuring lot lines to minimize required front yards in cases where lots lack street frontage.

Background: Since 2012 the City has been increasingly hearing strong reactions from residents about out-of-scale developments occurring on small lots in single-family zones. Some have expressed a concern that the lot area exceptions provided in the Land Use Code have been applied in ways that have led to unintended results, and that this is happening without notice to the neighbors, or any opportunity for administrative challenge. In September 2012 the City adopted interim standards for small lot development in Single Family zones (Ord. 123978) on an emergency basis. In September 2013 these standards were extended for another six months. The interim standards included some limits on the application of the lot area exception provided for historic lots of record prior to 1957, and also new, lower height limits for undersized lots that continued to qualify for separate development. During the period these interim measures have been in place, DPD has studied the issues, solicited public feedback and developed the current proposal.

Please check one of the following:

☒ **This legislation does not have any financial implications.**

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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.
- 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. Environmental review under the State Environmental Policy Act (SEPA) is also required for this legislation, and publication of notice of the environmental determination was made in *The Daily Journal of Commerce* and in the City's Land Use Information Bulletin on June 27, 2013 when similar legislation was first proposed.

g) Does this legislation affect a piece of property?

No specific piece of property is identified. Small lots that may qualify for separate development, or that previously qualified and may no longer qualify under this legislation, are found in single-family zones throughout the city.

h) Other Issues: None.

List attachments to the fiscal note below: None.