



Legislative Department
Seattle City Council
Memorandum

Date: July 12, 2010

To: Councilmember Sally J. Clark, Chair
Councilmember Tim Burgess, Vice Chair
Councilmember Sally Bagshaw, Member
Committee on the Built Environment (COBE)

From: Rebecca Herzfeld and Michael Jenkins, Council Central Staff

Subject: July 14, 2010 COBE Meeting: Lowrise Multifamily Zoning

To continue the review of regulations for Lowrise (LR) multifamily zones, we are requesting direction from the Committee on two issues that were raised by public comments about the draft legislation. The two issues are: 1) requirements for residential amenity area; and 2) the height limit in Seattle Housing Authority's High Point development.

1. Residential Amenity Area Requirements

The Committee last discussed residential amenity area requirements on April 2, 2010, and gave direction to staff to move ahead with amendments to the current open space requirements. The Land Use Code now sets different open space requirements for apartments and townhouses, regulates how much of the required space has to be private, and how much may be located above grade. As noted on April 2, these regulations, especially the ones for townhouses, often result in spaces that have awkward shapes or are squeezed into corners, as shown below.

Example of private usable open space provided for townhouses under current Code requirements:



In contrast, the residential amenity requirements proposed in the draft legislation are intended to provide usable well landscaped outdoor space, while providing flexibility in the design of the space. The draft proposal published in April bases the requirement on either: 1) for rowhouses and townhouses, the square footage in the building; or 2) for apartments, the number of units in the structure. In most cases, *private* amenity space is not required, since such spaces are often too small to be successful. If the building provides the features that gain additional floor area and density, half of the amenity space is allowed to be above ground level.

People raised the following six concerns about the proposed residential amenity requirement in their comments to the Council on the draft legislation:

- The term "residential amenity area" is awkward, and should be revised.
- The requirements should be tied to lot size, not to the number of units or the square footage in the building.
- The proposal does not require enough of the amenity area to be located at ground level.
- The requirement is too low for townhouses and rowhouses, and too onerous for apartments (Councilmember O'Brien has also raised the concern that the requirements are too high for apartment buildings that provide a large number of small units).
- A minimum dimension of ten feet should be required for amenity space provided at ground level.
- Woonerfs, which are areas used for parking and access that are also designed to encourage pedestrian use, should be allowed to count as residential amenity area.

After further review of the requirements, we agree with many of these comments, and also believe that the requirements can be simplified. We are proposing several revisions to the residential amenity area requirements, as outlined below. A graphic that compares what typical development would look like under the current requirements and the new staff proposal is provided as Attachment A to this memo.

1A. Use a better name for the requirement.

We recommend that the word "residential" be dropped from the term, so that it would simply be an "amenity area" requirement. The Land Use Code definition of the term, which already specifies that the space provided is for the residents of a building, would be amended to make this change, which would also apply in commercial zones.

1B. Base the requirement on lot size rather than building square footage or number of units.

Basing the requirement on lot size makes it simpler and more predictable, and can help reduce overall building bulk. It also responds to CM O'Brien's concern that the basing the amenity requirement on the number of units in a building would create an indirect cap on project density for apartments.

As shown in Table 1 below, the April 2010 proposal would have reduced the amount of amenity space for townhouses and rowhouses by one-half to two-thirds compared to current requirements. In contrast, basing the requirement on lot size would generally increase the required amenity area for townhouses and rowhouses compared to the current zoning. In the example in Table 1, townhouses and rowhouses in Lowrise Duplex Triplex (LDT) zones would

have a slight decrease (6%) in amenity area requirements under the new proposal, and the requirement would increase by 25% in the other LR zones.

Table 1: Comparison of Required Amounts of Amenity Area in Lowrise Zones for Typical Rowhouse and Townhouse Development in Square Feet (SF)*

	Current Zoning	April 2010 Committee draft	New staff recommendation
LDT Zone	1,600 SF	550 SF	1,500 SF
All other Lowrise Zones	1,200 SF	550 SF	1,500 SF
Percent change from current zoning	Not applicable	66% decrease in square footage for LDT zone; 54% decrease for other LR zones	6% decrease in square footage for LDT zone; 25% increase for other LR zones

*Four townhouse units, 1,375 square feet of gross floor area in each, on a 5,000 square foot lot.

For apartments, as shown in Table 2, basing the requirement on lot size would not result in dramatic changes. Generally, slightly less amenity area would be required when compared to the April 2010 proposal (either 4% more, or 5% to 11% less, depending on the zone). Compared to the current zoning, apartments would either not have a change in the required amount, or could see a reduction of approximately 17%.

Table 2: Comparison of Required Amounts of Amenity Space in Lowrise Zones for Typical Apartment Development in Square Feet (SF)**

	Current Zoning	April 2010 Council draft	New staff recommendation
LR2	1,500	1,400	1,250
LR3 outside growth areas	1,250 or 1,500 if up to 500 SF is provided above grade	1,200	1,250
LR3 inside growth areas	1,250 or 1,500 if up to 500 SF is provided above grade	1,320	1,250
Percent change from current zoning	Not applicable	7% decrease in LR2; 4%-20% decrease in LR3 outside growth areas; 6% increase to 12% decrease in LR3 inside growth areas, depending on whether under current zoning the project provides some space above grade.	17% decrease in LR2; In LR3 zones, either no change in amount, or decrease of 17%, depending on whether under current zoning the project provides some space above grade.

**For apartments, assumes projects will achieve the maximum floor area allowed on a 5,000 square foot lot. For the April 2010 proposal, in which the required amount of amenity area is based on the number of units, the example shown reflects a unit size of 760 net square feet, which is a typical average unit size for this market.

1C. Require that all developments provide at least half of the required space at ground level.

The draft LR zone legislation provides a higher floor area ratio (FAR) limit, and relief from the density limits, for structures that meet certain requirements. These requirements include using sustainable building practices, placing parking behind or under the structure, and providing at least half of the required residential amenity area at ground level. Projects that do not take advantage of the additional FAR and density may put the entire amount of required amenity area above grade, in the form of roof decks and balconies. While this is unlikely, in some cases it could result in less inviting space for residents and a building that covers a significant portion of the lot. We are therefore recommending that all structures provide at least half of the required amenity area at ground level, not just those that take advantage of FAR and density incentives.

1D. Set a minimum dimension for amenity area provided at ground level

In order to provide flexibility, the proposal in the April draft did not set a minimum dimension for amenity areas. Public comments raised concerns that the requirement might therefore be met by double-counting the minimum required setbacks. This might have resulted in long narrow open spaces along the sides of buildings that would not meet the intent of the requirement. In response to these comments, we are proposing that there be a minimum dimension of ten feet for required amenity areas at ground level. For above ground spaces, such as balconies and roof decks, we are not proposing a minimum dimension.

1E. Use of woonerfs as residential amenity areas

The Congress for Residential Architects (CORA) has proposed that woonerfs be allowed to qualify as residential amenity area. They propose to define woonerf as a "common space shared by pedestrians, bicyclists and low-speed vehicles. It is a narrow street or drive aisle without curbs and sidewalks. Vehicle movement is impeded by placing a minimum of three trees and three planters (or other equivalent obstacles) for each 60 feet of length in the street or drive aisle. The designed environment includes pavers and pervious ground surfaces that slow vehicular movement in order to prioritize the pedestrian environment".

While we are sympathetic to the idea of dual use of open area by cars and pedestrians, we think that a woonerf has to be very carefully designed in order to function effectively as an amenity area. Rather than allow a woonerf to be used as amenity area with no special review, we recommend that a definition be included in the Land Use Code, and that a woonerf be an option for amenity area that could be permitted through the design review process.

The proposed revisions to the code language for amenity area requirements are shown in Attachment B to this memo.

Committee Direction on Residential Amenity Area Requirements:

2. Height Limit in High Point

As directed by the COBE, the April 2010 draft of the LR legislation combined the current five Lowrise multifamily zones into three. The areas currently zoned Lowrise 4 (L4) would be zoned as the new Lowrise 3 (LR3) zone, but would have different height and floor area ratio (FAR) limits, depending on their location inside or outside designated growth areas (urban centers, urban villages, and station areas).

There are currently 211 acres that are zoned L4. Approximately half of this acreage is located in designated growth areas. Almost all of the remaining acreage is located in the Seattle Housing Authority's (SHA's) High Point development in the "Delridge High Point Revitalization Area" in West Seattle. The Land Use Code currently has specific locational criteria in Section 23.34.022 that allow L4 zoning in this Revitalization Area for mixed-income housing developed by a public agency such as SHA. These criteria are continued in the draft legislation.

High Point was rezoned by the City Council to a mix of L4 and other multifamily and commercial zones in May 2003, through a contract rezone process. The Property Use and Development Agreement (PUDA) that was adopted with the contract rezone places many conditions on development of the High Point property. For example, the areas that are zoned L4 may use the L4 height limit of 37 feet, but are limited to the density permitted in L2 zones. This PUDA will remain in effect when the new LR zoning is adopted.

Representatives of SHA have raised the concern that the current L4 areas in High Point would be would have a 30 foot height limit, rather than 37 feet. They believe that lowering the height limit would reduce building height by one story on the sloping parts of the site, and lower the expected number of units that could be built. They point out that even the loss of ten units would reduce the amount of funds available to provide low-income housing by one to one and a half million dollars.

It is clear that the intent of the Council was to allow greater height in SHA's High Point development, when the mitigating conditions of the PUDA are met. In order to carry out this intent, we are proposing a height exception that would permit the 40 foot height that applies in LR3 zones in growth areas to be applied in the LR3 zones in High Point. The proposed exception would be in a footnote to the table that sets the height limits, as shown on the following page (new wording is shown underlined).

23.45.514 Structure height ((in Midrise and Highrise zones))

A. Subject to the additions and exemptions allowed as set forth in this Section 23.45.514, the height limits for principal structures permitted in Lowrise zones are as shown on Table A for 23.45.514.

Table A for 23.45.514: Structure Height for Lowrise Zones				
	LR1	LR2	LR3 outside urban centers, urban villages, and Station Area Overlay Districts	LR3 in urban centers, urban villages, and Station Area Overlay Districts
Cottage Housing	18'	18'	18'	18'
Rowhouses and Townhouses	30'	30'	30'	30'
Apartments	30'	30'	30' ¹	40'
¹ On property located in the Delridge High Point Revitalization Area shown in Exhibits A and B for Section 23.34.020 that was rezoned to Lowrise 4 subject to a property use and development agreement that was signed by a public agency, the height limit for apartments is 40 feet.				

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Committee Direction on Structure Height in High Point:

Next Steps

At the COBE meeting on July 28, we intend to bring you recommendations on measuring building heights that respond to concerns raised by the public.

- Attachment A: Comparison of amenity area requirements for prototypical lowrise structures
- Attachment B: Proposed revisions to Amenity Area Code language.