



Legislative Department
Seattle City Council
Memorandum

Date: November 29, 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: November 30, 2010 COBE Meeting: Council Bill (CB) 117014, Lowrise Multifamily Zoning

The last COBE discussion of revisions to the Lowrise (LR) multifamily zones was on September 29, 2010. Since then, we have incorporated the direction provided by the Committee into a new version of the legislation, which was published for public review on October 18, 2010. The schedule for adoption of the legislation, showing the work done by the Committee in 2010, is shown in Table A below.

Table A: Schedule for Council Review of Lowrise Code Update

Action	Date (all in 2010)
COBE discusses LR zoning proposals and provides direction	February 3 & 24; March 11, 20, and 25; April 2
Publish draft LR legislation and notice of the Declaration of Nonsignificance (DNS) (the environmental (SEPA) review)	April 22
DNS on LR legislation appealed to City's Hearing Examiner	May 13
COBE Public hearing on LR legislation	May 25
Further COBE discussion and direction	June 9; July 14; September 29
Hearing Examiner decision upholding the DNS	October 5
Publish second draft of LR legislation for public review	October 18
Introduce revised LR legislation	October 25
Second COBE public hearing on LR legislation	November 22
Notice of potential changes to second draft of LR legislation	November 29
COBE votes on LR legislation.	November 30 or December 8
Council vote on LR legislation.	December 13

The Council has received many comments on the proposed legislation, both in writing and at the public hearing on November 22. We are proposing several changes to the bill in response to these comments. Most are technical changes to clarify the code language, fix cross references, or better carry out the Council's intent. These changes are listed in Attachment A to this memo and are proposed to be approved in a substitute bill (version 16) as a consent agenda. In addition, there are five recommended changes that are presented for discussion and vote in this memo.

1. Consent Agenda—Review of items listed in Attachment A.

Committee Decision on consent items and substitute version 16 of CB 117014:

2. Recommended Changes to CB 117014

Five other issues were raised during the comment period that have resulted in recommendations to change the proposed legislation. Three are about building height. They address the pitched roof exception in Lowrise 3 (LR3) zones, a proposed new exception for shed and butterfly roofs, and rooftop height exception for stair penthouses. Another addresses limits on curb cut for rowhouse and townhouse developments. The final item strengthens the section about Council review of the proposed streamlined administrative design review (SDR) process. These proposed changes are described below.

2a. Limit on pitched roof exception in LR3 zones

In LR3 zones with 30 foot height limits, the proposal currently provides two height exceptions for pitched roofs, depending on whether the project also uses height exception allowing four feet for a partially below-grade floor. If the exception for a partially below-grade floor is used, the proposal permits an additional five feet for a pitched roof. If not, ten additional feet is allowed for a pitched roof. This height exception allows an additional ten feet for a roof pitched at the required minimum of 6:12.

The Council received a comment that raised a concern that if an additional ten feet is permitted for a pitched roof, some developers may try to create a fourth story into the building, which was not the intent of the exception. The proposed change would state that the ten-foot pitched roof exception could only be used if the building is limited to three stories. The proposed additional wording is double-underlined below:

Subsection 23.45.514.D—Pitched roof height exceptions:

3. In LR3 zones, for structures subject to a 30 foot height limit according to Table

A for 23.45.514, the ridge of pitched roofs on principal structures may either:

a. extend up to 10 feet above the height limit, if the height exception provided in 23.45.514.E is not used, and the number of full stories above grade is limited to three; or

b. extend up to 5 feet above the height limit, if the height exception provided in 23.45.514.E is used.

Committee decision on limiting the pitched roof height exception in LR3 zones:

2b. Height exceptions for shed and butterfly roofs

Last spring, prior to the introduction of the proposed legislation, the Committee decided not to allow a height exception for shed and butterfly roofs. Since then, public comments have pointed out that such roofs can make it easier to install solar panels. In addition, if windows are placed just under the upper side of the shed roof, they can provide light without affecting the privacy of neighboring units. When designed appropriately, eaves on shed roofs can also provide greater protection from moisture infiltration than traditional peaked roofs.

Therefore, we recommend that a new three foot height exception for shed and butterfly roofs be approved. This is less than the five foot exception allowed for other types of pitched roofs because shed and butterfly roofs can create higher walls near shared lot lines. The proposed exception would allow eaves to extend from the shed or butterfly roofs an additional one foot. A diagram illustrating how the exception would work is on the following page.

The code language for the proposed height exception is shown double-underlined below:

Section 23.45.514 Structure Height—Pitched roof height exceptions; and new subsection E:

* * *

D. Exceptions for pitched roofs in LR zones that are not shed or butterfly roofs. Pitched roofs that are not shed or butterfly roofs may extend above the height limits set in Table A for 23.45.514 subject to the following limits, provided that all parts of the roofs above the height limit have a minimum slope of 6:12, except as provided in subsection 23.45.514.D.6:

* * *

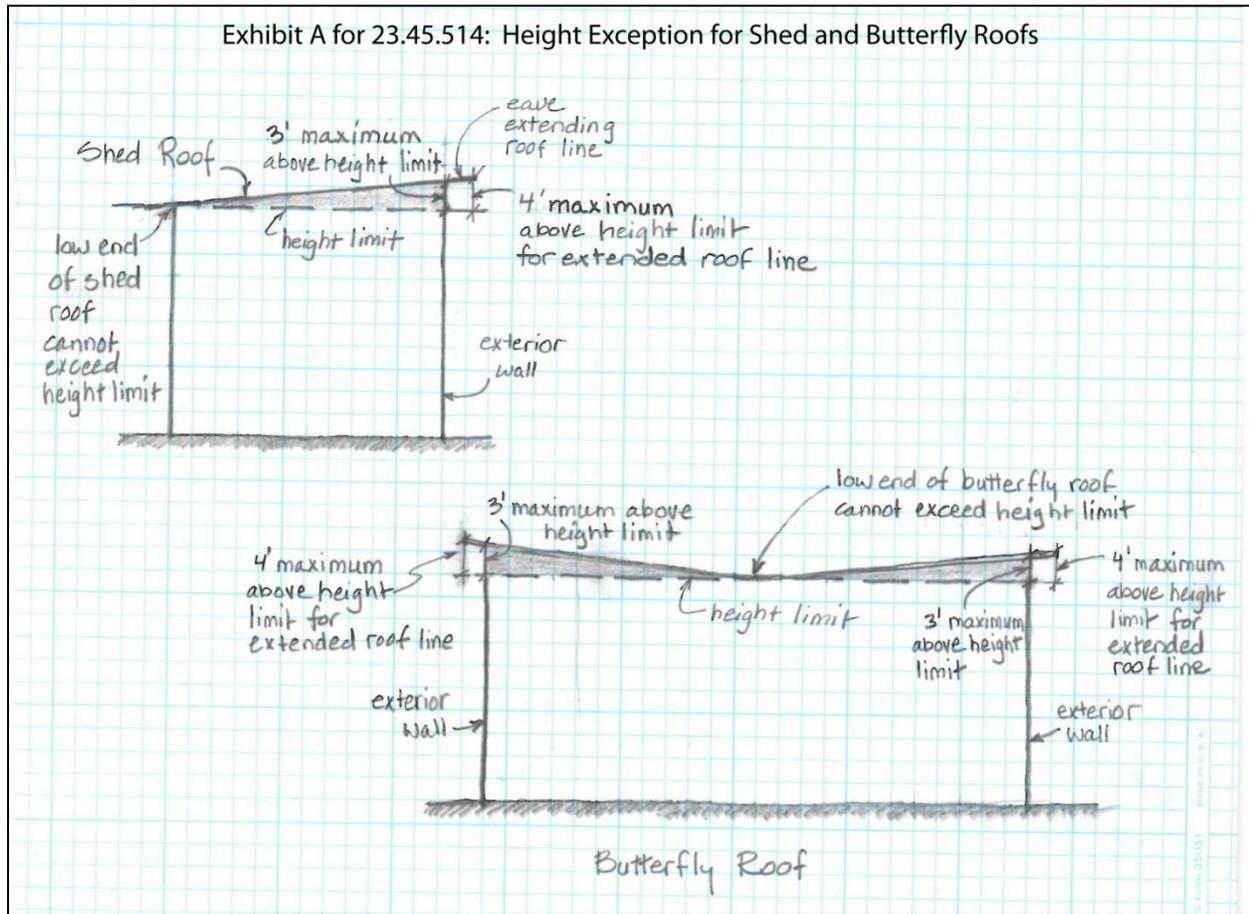
E. Shed and butterfly roofs in LR zones.

1. In LR zones, the high side(s) of a shed or butterfly roof may extend 3 feet above the height limits set in Table A for 23.45.514, provided that the low side(s) of the shed or butterfly roof are no higher than the height limit (see Exhibit A for 23.45.514).

2. The roof line of a shed or butterfly roof may be extended in order to accommodate eaves and gutters, provided that the highest point of the roof extension is no more than 4 feet above the height limit.

The remaining subsections in 23.45.514 would be renumbered, and cross-references updated.

Exhibit A for 23.45.514: Height Exception for Shed and Butterfly Roofs



Committee decision on height exception for shed and butterfly roofs:

2c. Reduce the rooftop height exception for stair penthouses

The current legislation provides a 16 foot height exception for both stair and elevator penthouses in multifamily zones. The Council received comments pointing out that stair penthouses need only be ten feet tall for head height, and that many structures in LR zones will not need an elevator. Therefore, we are recommending that the height exception for stair penthouses in LR zones be ten feet, unless the stair penthouse is co-located with an elevator penthouse, in which case it could be as tall as the elevator penthouse (16 feet). New code language that would change the height exception for rooftop stair penthouses is shown double-underlined below, and deleted language is ~~crossed out~~:

Subsection 23.45.514.I—Height Exceptions for rooftop features:

* * *

~~((3))~~4. In LR zones, the following rooftop features may extend 10 feet above the height limit set in subsections 23.45.514.A and E, if the combined total coverage of all features does not exceed 15 percent of the roof area or 20 percent of the roof area if the total includes screened mechanical equipment:

a. Stair penthouses, except as provided in subsection 23.45.514.I.6;

b. Mechanical equipment;

b.c. Play equipment and open-mesh fencing that encloses it, if the fencing is at least 5 feet from the roof edge;

e.d. Chimneys;

e.e. Wind-driven power generators; and

e.f. Minor communication utilities and accessory communication devices, except that height is regulated according to the provisions of Section 23.57.011.

5. In MR and HR zones, ~~((The))~~the following rooftop features may extend 15 feet above the applicable height limit set in subsections 23.45.514.B, and ~~(D)F, ~~((so long as))~~ if the combined total coverage of all features does not exceed 20 percent of the roof area, or 25 percent of the roof area if the total includes screened mechanical equipment:~~

a. Stair penthouses, except as provided in subsection 23.45.514.I.6;

b. Mechanical equipment;

b.c. Play equipment and open-mesh fencing that encloses it, if the fencing is at least 5 feet from the roof edge;

e.d. Chimneys;

e.e. Sun and wind screens;

e.f. Penthouse pavilions for the common use of residents;

e.g. Greenhouses and solariums, in each case that meet minimum energy standards administered by the Director;

e.h. Wind-driven power generators; and

e.i. Minor communication utilities and accessory communication devices, except that height is regulated according to the provisions of Section 23.57.011.

~~((4))~~6. Stair and Subject to the roof coverage limits in subsections 23.45.514.I.4 and 5, elevator penthouses may extend above the applicable height limit up to 16 feet. ~~((When))~~ If additional height is needed to accommodate energy-efficient elevators in HR zones ~~((with~~

~~height limits of 160 feet or greater~~)), elevator penthouses may extend the minimum amount necessary to accommodate energy-efficient elevators, up to 25 feet above the applicable height limit. Energy-efficient elevators shall be defined by Director’s Rule. ~~((When))~~ If additional height is allowed for an energy-efficient elevator, stair penthouses may be granted the same additional height if they are co-located within a common ~~((the elevator))~~ penthouse structure.

* * *

Committee decision on lowering the rooftop height exception for stair penthouses:

2d. Curb cut limits for rowhouse and townhouse developments

In order to minimize the number of curb cuts that cross the sidewalk, the current code limits curb cut size and number, as well as driveway widths. These restrictions are intended to reduce conflicts between vehicles and pedestrians, maximize the supply of on-street parking spaces, and minimize the amount of pavement. The proposed revisions to the LR zones do not change these requirements except to organize them for more clarity. However, because rowhouses are permitted for the first time in multifamily zones, we are now recommending curb cut and driveway limits specifically for such attached housing units.

Because each rowhouse unit may be platted separately, each lot is entitled to its own curb cut and driveway. Such rowhouse lots would range in width, with most lots likely to be about 15 to 28 feet wide. On 15 foot wide lots without alley access, two-thirds of the frontage of the lot would be taken up by the curb cut and driveway, which are required to be at least ten feet wide. A row of such units would eliminate all on-street parking, and would require pedestrians to cross a driveway at five to ten foot intervals.

To avoid the worst cases, in which two-thirds of the frontage of a rowhouse or townhouse lot is taken up by the driveway, we are recommending using the approach used for similar structures in Portland, Oregon. Driveways serving attached rowhouse and townhouse units would be required to be at least 18 feet apart. If lots are too narrow to meet this requirement, units could share a curb cut and driveway. These shared curbcuts could be a maximum of twelve feet wide, widening into an 18 foot wide driveway providing separate garage access (see the diagram on the following page). This approach would not prevent a developer from providing a single shared driveway to shared parking either at grade at the rear of the lot or to an enclosed garage either at or below grade .

The proposed code changes are shown below with new wording double-underlined and deleted language ~~crossed-out~~:

Subsections 23.54.030.D—Driveways and 23.54.030.F—Curb cuts:

Subsection 23.54.030.D. Driveways. Driveway requirements for residential and nonresidential uses are described below. When a driveway is used for both residential and nonresidential parking, it shall meet the standards for nonresidential uses described in subsection 23.54.030.D.2.

1. Residential uses.

a. Driveway width. Driveways less than 100 feet in length that serve 30 or fewer parking spaces shall be a minimum of 10 feet in width for one-way or two-way traffic.

b. Except for driveways serving one single-family dwelling unit, driveways more than 100 feet in length that serve 30 or fewer parking spaces shall either:

1) be a minimum of 16 feet wide, tapered over a 20 foot distance to a 10 foot opening at the lot line; or

2) be a minimum of 10 feet wide and provide a passing area at least 20 feet wide and 20 feet long. The passing area shall begin 20 feet from the lot line, with an appropriate taper to meet the 10 foot opening at the lot line. If a taper is provided at the other end of the passing area, it shall have a minimum length of 20 feet.

c. Driveways of any length that serve more than 30 parking spaces shall be at least 10 feet wide for one-way traffic and at least 20 feet wide for two-way traffic.

d. Driveways for two attached rowhouse or townhouse units may be paired so that there is a single curb cut providing access. The maximum width of the paired driveway is 18 feet.

* * *

Subsection 23.54.030.F. Curb cuts. The number of permitted curb cuts is determined by whether the parking served by the curb cut is for residential or nonresidential use, and by the zone in which the use is located. If a curb cut is used for more than one use or for one or more live-work units, the requirements for the use with the largest curb cut requirements shall apply.

1. Residential uses.

* * *

b. Curb cut width. Curb cuts shall not exceed a maximum width of 10 feet except that:

1) For lots on principal arterials designated on the Arterial street map, Section 11.18.010, the maximum curb cut width is 23 feet;

2) One curb cut greater than 10 feet but in no case greater than 20 feet in width may be substituted for each two curb cuts permitted by subsection 23.54.030.F.1.a;

3) A greater width may be specifically permitted by the development standards in a zone;

4) If subsection D of this Section 23.54.030 requires a driveway greater than 10 feet in width, the curb cut may be as wide as the required width of the driveway; and

5) A curb cut may be less than the maximum width permitted but shall be at least as wide as the minimum required width of the driveway it serves.

~~((d))~~ c. Distance between curb cuts. ~~((There must be at least 30 feet))~~

1) The minimum distance between any two curb cuts located on a lot is 30 feet.

2) For rowhouse and townhouse developments located on more than one lot, the minimum distance between curb cuts is 18 feet (See Exhibit C for 23.54.030).

* * *

See new exhibit, attached; the remaining exhibits in Section 23.54.030 would be renumbered.

Committee decision on curb cut limits for rowhouse and townhouse developments:

2e. DPD Reporting on Streamlined Administrative Design Review (SDR) performance

The proposed legislation includes a request that the Department of Planning and Development (DPD) establish a specific target for review time for SDR permit applications and report monthly on whether the target is being met. In addition, the bill requests that DPD report to the Council on the SDR process after 20 SDR projects have been completed.

This report addresses public comments that raised concerns about the cost of the SDR process and its potential to delay permit review. To further respond to these comments, we recommend that the code section on reporting requirements be amended to set a date for the report back to the Council (two months after twenty SDR projects have been reviewed), and to specifically require a summary in the report of DPD performance in meeting turnaround targets for SDR permit applications. In addition, we recommend that a statement be added that the Council will reevaluated the SDR process if necessary based on the DPD report. The proposed new wording of the bill section is shown underlined below:

Section 112 of C.B. 117014: The Council requests that the Department of Planning and Development (DPD) establish a specific target for review time for permit applications subject to the streamlined administrative design review (SDR) process. DPD will report on the target in the online permit turnaround data that the Department updates monthly, and will report on the turnaround times as part of the regular Department presentations to the Committee on the Built Environment or its successor Committee. In addition, the Council requests that the DPD submit a written report evaluating the SDR process to all Councilmembers one month after Master Use Permit decisions for twenty SDR projects have been published. In the report, DPD will provide an evaluation of the cost of SDR, the amount of staffing required for SDR, DPD performance in meeting the review targets, the amount and purpose of any adjustments granted by DPD through the SDR process, the effects on project design, and potential program improvements. The Council will reevaluate the SDR process based on the DPD report findings if it necessary to address efficiency, cost, and/or project design quality.

Committee decision on SDR reporting:

Committee decision on Council Bill 117014:

Attachments:

Attachment A: Consent Agenda for C.B. 117014

Exhibit D for 23.54.030: Paired Driveways for Attached Units