



**Legislative Department
Seattle City Council
Memorandum**

Date: November 28, 2011

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

From: Michael Jenkins, Council Central Staff

Subject: Council Bill (CB) 117304

CB 117304 proposes new development standards related to the creation or reconfiguration of lots and the extent to which lot area can be used to determine development potential. These proposed standards would apply to all lots; residential zones will be most affected, as they comprise approximately 60% of lots city-wide.

This legislation implements work requested by Council in Resolution 31084, which called for the creation of minimum lot standards in Single Family zones. In addition to addressing Resolution 31084, CB 117304 also adopts a new requirement that limits allowed lot coverage for buildings (a development standard in single family zones) to portions of the lot that meet the proposed minimum lot dimension standards. Finally, this legislation adopts minimum standards related to lots that are up to 2,500 square feet in size, or less than ½ of the minimum lot size in the Single Family 5000 (SF 5000) zone.

The following is a summary of the proposed changes in this legislation, along with my comments and recommendations. Greater detail of the proposal can be found in DPD's October 6, 2011 Director's report; a copy is attached.

1. New standards for lot shape and configuration

The legislation would require the following standards to be met when either 1) a new lot is created, or 2) an existing lot is reconfigured:

- A minimum street frontage of 10 feet, for lots proposed with street frontage;
- A minimum dimension of 10 feet in any direction, except that a lot may be narrower than 10 feet for a distance of less than 10 feet;
- A maximum of 6 lot lines; and
- Alley access must be provided if the original lot fronts on alley.

DPD's Director's report included the following graphic to underscore this concept



As illustrated in this graphic, each of the proposed lots have no more than 6 lot lines. While the graphic does not include measurements, it is assumed that no segment is less than 10 feet.

The legislation also allows DPD to approve requests to modify minimum lot standards as part of a platting action when:

- Natural features or obstructions prevent the platting of one or more lots;
- An existing principal structure is retained, which results in not meeting minimum configuration standards;
- Existing easements or reasonable access prevents the proposed minimum lot configuration standards; or
- Other similar conditions that also prevent meeting minimum configurations standards.

The intent of this provision is to allow for development potential to be maintained if any of these conditions listed above are present.

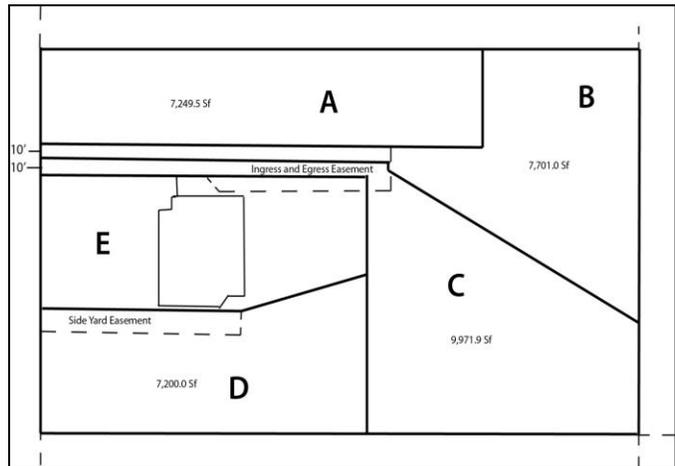
Central staff comments:

This part of the legislation addresses concerns raised by the community, stakeholders, and DPD concerning the lack of lot configuration standards and how the lack of such standards has impacted neighborhoods. The proposed minimum standards require new lots, and reconfigured existing lots, to be platted (or configured) in a way that is more similar to historic lot patterns in existing neighborhoods. Creating or reconfiguring lots is of particular importance in single family and low-density multifamily neighborhoods. In these neighborhoods, lot size and configuration, along with limits on lot coverage, have helped to create defined neighborhood characteristics.

In those areas of Seattle where larger lot sizes are allowed or common, or in areas without defined lot platting characteristics, the proposed standards allow for enough flexibility to accommodate future development.

The proposed standards also address concerns raised by community members that some lots are designed to maximize development potential at the expense of neighborhood compatibility. All new lots, regardless of the presence of an environmentally critical area (steep slope, watercourse, stream, etc), would need to meet the proposed minimum standards. The legislation would not change any allowances for creating or reconfiguring lots that are governed under the City’s critical areas ordinance.

The legislation also allows the DPD Director to modify the proposed minimum lot standards. DPD’s Director’s report included the following graphic to illustrate one example of when lot standards could be modified – to retain an existing single family structure.



In this example, 3 of the 5 lots – Lots A, D and E - meet the proposed 6 lot line maximum. At 7 lot lines, Lots B and C do not meet this standard. The graphic, depicting a lot in a Single Family 7200 square foot zone (SF 7200), shows that lot standards can be modified to 1) retain an existing structure and 2) ensure that allowed development potential on an oversized lot is retained. No lot is created that does not meet the 7,200 square foot minimum lot size.

The proposed lot standards would **not** apply to unit lot subdivisions. While the larger ‘parent’ lot would be required to comply with these standards, the individual “unit” lots that fit within the “parent” would not be affected.

2. New lot coverage limits

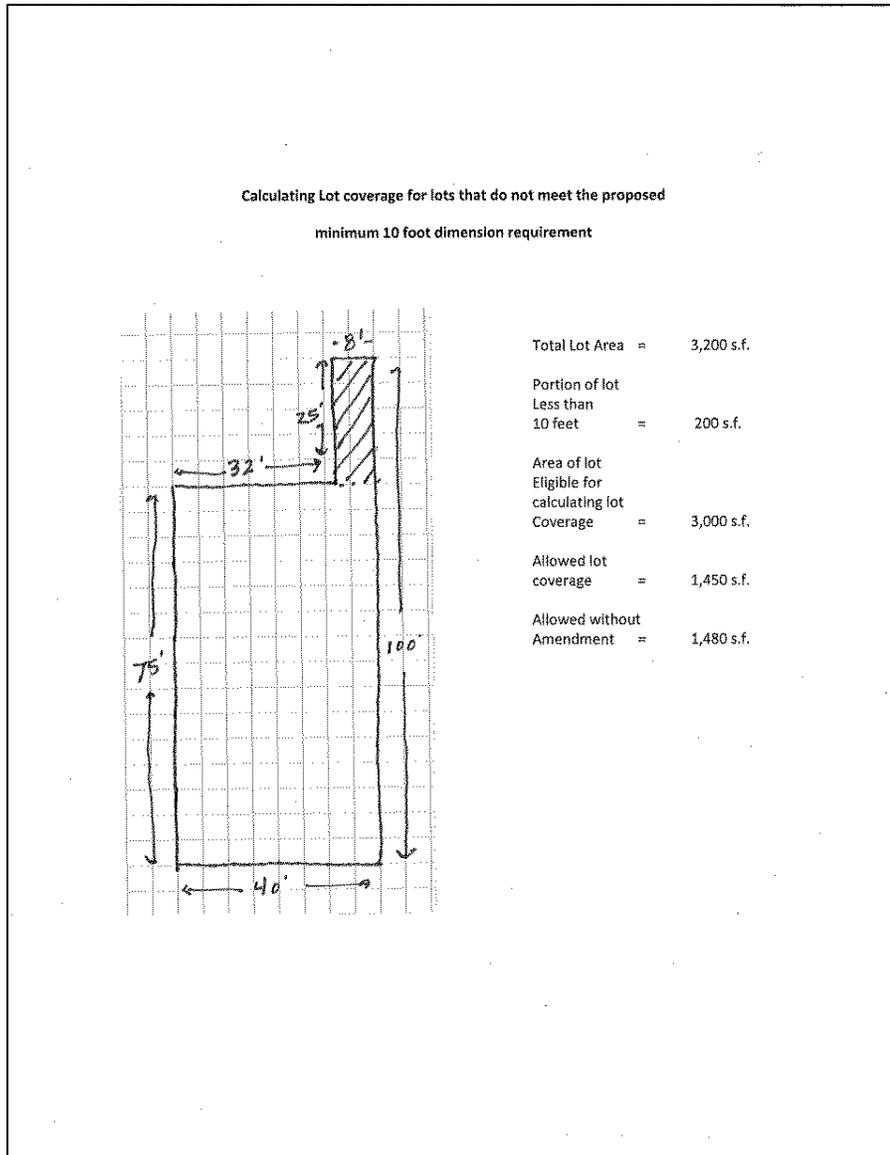
Lot coverage is used in single family zones to limit the bulk of structures. Lot coverage is calculated by measuring the footprint of both principal and accessory structures. The lot coverage limit is determined as a maximum or a ratio, depending on the size of the lot:

Lot coverage for structures in single family zones

Lot Size	Maximum Lot Coverage
Less than 5,000 square feet (sq. ft.)	1,000 sq. ft. + 15% of lot area
5,000 sq. ft. or more	35% of lot area

Currently, lot coverage is determined on the entire lot area, regardless of its configuration or dimensions. This legislation would reduce allowed lot coverage by limiting the qualifying area to portions of the lot that meet the proposed minimum 10 foot lot dimension requirement.

The following graphic illustrates this proposal:



As depicted in this graphic, the highlighted area does not meet the proposed minimum 10 foot dimension to be included in allowed lot coverage calculations. In this example excluding this area would not have an appreciable impact on allowed lot coverage, as it only reduces allowed lot coverage by 30 square feet.

If DPD approves a modification to allow a portion of the lot to not meet the minimum 10 foot dimension for the purpose of providing access, the legislation would allow that area to be included in lot coverage calculations. If the reduction is proposed for other purposes, the area could not be included.

Central Staff Comment

Limiting the area by which lot coverage is calculated would reduce the size and extent of structures. By limiting the area to be calculated to those portions of the lot that meet minimum dimension standards, the proposal links allowed coverage to those portions of the lot most likely to accommodate new development.

3. Regulations for lots significantly less than the minimum lot size

DPD has proposed two new standards to limit the extent of development of lots of less than 2,500 square feet in single family zones

- Limit the maximum base height of new structures to 22 feet; and
- Limit the depth of new structures to: two times the width of lot, when the lot is less than 30 feet wide.

Central Staff Comment

DPD identifies between 15-20 lots per year that are 1) less than 2,500 square feet and that 2) qualify as legal lots for future residential development. These lots were typically created prior to 1957, when the City first adopted minimum lot size standards in single family zones.

Currently, there are few development standards that specifically apply to lots that are less than the minimum lot size. One example of an existing standard is that base structure height is limited to 25 feet on lots less than 30 feet in width, which is a typical width on lots that do not meet the minimum 5,000 square foot requirement for single family zones. A second example is the variable standard for rear yards. While front and side yard requirements in single family zones do not vary by the size of the lot (20 foot front, 5 foot side), rear yard requirements become variable when the lot is less than 125 feet in width (20% of lot depth, no less than 10 feet). Lots that are less than 125 feet in depth are also characteristic of lots that do not meet minimum lot size requirements.

1. Structure height

DPD's Director's report included the following photograph to illustrate the proposed 22 foot base height limit for lots that are less than 2,500 square feet. This photograph shows that the proposed 22 foot height limit could reasonably accommodate two full floors, assuming a 9 foot height from floor to floor, plus additional room for either a partial height third floor under a pitched roof, or in a partially below grade ("daylight") basement.

Roof pitch allowances permit up to five additional feet above the 22 foot height limit, for a total of 27 feet. By comparison, single family zones allow for a 35 foot tall house (30 feet base, plus 5 foot for roof pitch above the height limit) or 30 feet (25 foot base height, 5 feet for roof pitch) on lots with less than 30 feet in width.

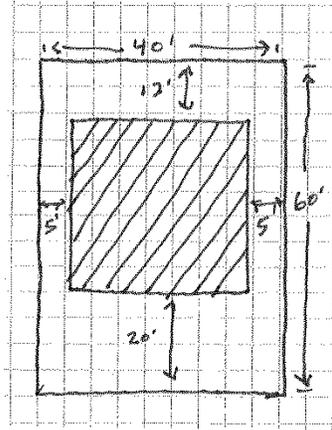


2. Structure depth

For lots that are less than 2,500 square feet, the proposed standards include structure depth limits on lots that are also less than 30 feet in width. I have developed two graphics to illustrate possible structure footprints on lots that are less than 2,500 square feet.

The following graphic shows an example of allowed lot coverage on a lot that is greater than 30 feet in width. Using development standards for structures in single family zones (yards, lot coverage, etc.) a typical structure on this 2,400 square foot lot would cover 840 square feet of lot, or 35% lot coverage, which is the lot coverage limit on lots that meet the minimum lot size in single family zones. The minimum structure size would be 1,620 square feet, excluding any partially below grade floors or partial floors under the roof pitch.

Allowed structure depth on lots greater than 30 feet in width



Total Lot Area = 2,400 s.f.

Yards
20' front
12' rear
(20% of lot depth)
5' side

Structure footprint = 840 s.f.

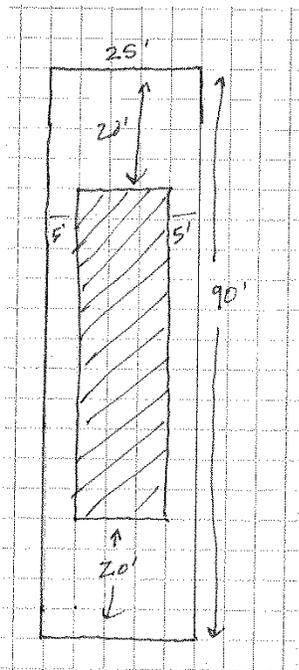
Structure size = 1,620 s.f. min

Lot coverage = 35%

Allowed
lot coverage = 56.6%
(1,360 s.f)

This second graphic shows lot coverage on a lot less than 30 feet in width. On lots of less than 30 feet in width, the legislation limits the depth of the structure to two times the width of the lot. In this example, a 50 foot deep structure would be allowed. This would result in a two-story structure of at least 1,500 square feet, covering 33.3% of the lot

Allowed structure depth of lots less than 30 feet in width



Total lot area = 2,250 s.f

Yards
20' front
18' rear (20% of lot depth)
5' side

Structure footprint = 750 s.f

Structure size = 1,500 s.f min

Lot coverage = 33.3%

Allowed lot coverage = 59.6%
(1,227 s.f.)

This photograph was also included in DPD's director's report. While there may be some design and site planning issues with the structure, in context with its neighbor, the stacking of structures does not occur as the lot is primarily located fronting a right of way.

Therefore, I am recommending that SMC 23.44.012 be amended to require a 22 foot height limit of those lots that are 1) less than 2,500 square feet and 2) that are predominately located behind another lot. The language proposed under CB 117304 is underlined, with my recommended amendments in double underline.



To ensure that the Council adopts consistent code language, I am also recommending that the word "base" be removed from the amendments to this code section, as shown in the double strikethrough:

23.44.012 Height Limits

A. Maximum Height Established.

1. Except as permitted in Section 23.44.041.B, and except as provided in subsections 23.44.012.A.2 and A.3, the maximum permitted height for any structure not located in a required yard is 30 feet.

2. The maximum permitted height for any structure on a lot 30 feet or less in width is 25 feet.

3. The maximum permitted ~~base~~ height for any structure on a lot of less than 2,500 square feet is 22 feet, if that lot has less than 15 feet of street frontage and if the front yard or side yard of that lot abuts, for at least 15 feet, on the rear yard of another lot.

4. The method of determining structure height and lot width is detailed in Chapter 23.86, Measurements.

2. Notification of requests and approval of a modification of development standards

If adopted, CB 117304 allows the DPD Director to modify the proposed minimum lot standards when an applicant can successfully demonstrate that 1) the property has one or more site features that prevent meeting the proposed minimum lot standards (that they did not create) and 2) the modification is the minimum necessary to permit the creation of new lots that meet minimum standards in their respective zones.

Some concern has been expressed by the public and by Council members that sufficient notice should be provided when an applicant makes requests a modification as part of their request to create new lots. To ensure that the public is provided notice of a request to modify a lot standard, I am recommending that the bill be amended to require that DPD provide specific notice of the request when posted and mailed notice is required for platting actions. Notice related to short plats (creation of less than 9 lots) or full subdivisions (creating more than 9 lots) occurs at two points: 1) when the application has been determined to be ‘complete’, which begins the formal review and public comment process, and 2) when the Director publishes their decision on the request, which also informs the public of their right to appeal any decision.

The amendments would also clarify the type of request being made – that being a ‘special exception’ to the minimum standards and not simply a modification. The review and appeal process do not change with this clarification. The term is also consistent with similar decisions authorized under the land use code.

The amendments to the bill are in strikeout and doubleunderline form; the original amendments in CB 117304 remain underlined.

23.22.100 Design standards(⌘)

C. Lots.

1. Every lot shall be provided with convenient pedestrian and vehicular access to a street or to a permanent appurtenant easement that satisfies the requirements of Sections 23.53.005 and 23.53.006.

2. Lots shall be numbered with reference to blocks.

3. Every lot, except unit lots and lots proposed to be platted for individual live-work units in zones where live-work units are permitted, shall conform to the following standards for lot configuration, unless a ~~modification~~ special exception is authorized under subsection 23.22.100.D:

D. ~~Modification~~ Special Exception. The Director's recommendation on a proposed subdivision, as a Type II special exception decision, may modify the standards of subsection 23.22.100.C.3, if the applicant demonstrates that the proposed plat meets the following criteria:

1. The property has one of the following conditions not created by the applicant:

a. Natural topographic features or natural obstructions prevent the platting of one or more lots according to the standards of subsection 23.22.100.C.3;

b. Location of existing principal structures that are retained on a lot existing prior to the proposed platting require a platting configuration of one or more lots that cannot reasonably meet the standards of subsection 23.22.100.C.3;

c. Location of existing easements or feasibility of access to portions of the property prevents the configuration of proposed plat lines that meet the standards of subsection 23.22.100.C.3.

d. Other similar conditions that prevent application of the standards of subsection 23.22.100.C.3

2. Modification of the standards of subsection 23.22.100.C.3 shall be the minimum necessary to allow platting of lots that each contain a building area for development meeting the development standards of the zone in which the proposed plat is located.

3. Lots created under the ~~waiver or modification~~ special exception standards of this subsection 23.22.100.D shall not have a configuration that requires a variance from setbacks and yard requirements of the Land Use Code or a variance or exception from the

Regulations for Environmentally Critical Areas for any development that may be proposed on the lots.

23.24.040 Criteria for approval((τ))

A. The Director shall, after conferring with appropriate officials, use the following criteria to determine whether to grant, condition or deny a short plat:

9. Every lot except unit lots and lots proposed to be platted for individual live-work units in zones where live-work units are permitted, shall conform to the following standards for lot configuration, unless a ~~modification~~ special exception is authorized under subsection 23.24.040.B:

B. ~~Modification~~ Special Exception. The Director's recommendation on a proposed subdivision may modify the standards of subsection 23.24.040.A.9, as a Type II special exception decision, if the applicant demonstrates that the proposed plat meets the following criteria:

1. The property has one of the following conditions not created by the applicant:

a. Natural topographic features or natural obstructions prevent the platting of one or more lots according to the standards of subsection 23.24.040.A.9;

b. Location of existing principal structures that are retained on lots existing prior to the proposed platting require a platting configuration of one or more lots that cannot reasonably meet the standards of subsection 23.24.040.A.9;

c. Location of existing easements or feasibility of access to portions of the property prevents the configuration of proposed plat lines that meet the standards of subsection 23.24.040.A.9.

d. Other similar conditions that prevent application of the standards of subsection 23.24.040.A.9

2. Modification of the standards of subsection 23.24.040.A.9 shall be the minimum necessary to allow platting of lots that each contain a building area for development meeting the development standards of the zone in which the proposed plat is located.

3. Lots created under the ~~waiver or modification~~ special exception standards of this subsection 23.24.040.B shall not have a configuration that requires a variance from setbacks and yard requirements of the Land Use Code or a variance or exception from the Regulations for Environmentally Critical Areas for any development that may be proposed on the lots.