

Neighborhood Report on “Micro-housing”

Seattle City Council – Transportation Committee

May 6, 2013

Carl Winter – Reasonable Density Seattle

Dennis Saxman – Capitol Hill Coalition

Greg Hill – Wallingford Community Council

Seattle Codes are Complex and Imprecise

DPD exercises creative interpretation of Land Use and Building Codes

Seattle Land Use Code
(SMC 23)

Defines types of buildings
and specifies how many
units are allowed by zone

Defines thresholds for
SEPA and Design Review

Lowrise Building Types:

- Cottage Housing
 - Rowhouse
 - Townhouse
 - Apartments

Density limits

Household

Seattle Residential
Code

Defines how buildings are
constructed
(technical codes)

Dwelling Unit

Dwelling

Kitchen

Boarding House

Net Floor Area

Seattle Building Code`

Counting micro-units

One Dwelling Unit can contain 8 or fewer unrelated people

1		5
2		6
3		7
4		8
Kitchen		

Are the units 1 through 8, with their own lockable interior doors, kitchenettes, bathrooms, mailboxes and leases, separate Dwelling Units or one big Dwelling Unit?

Micro-housing Unit Size

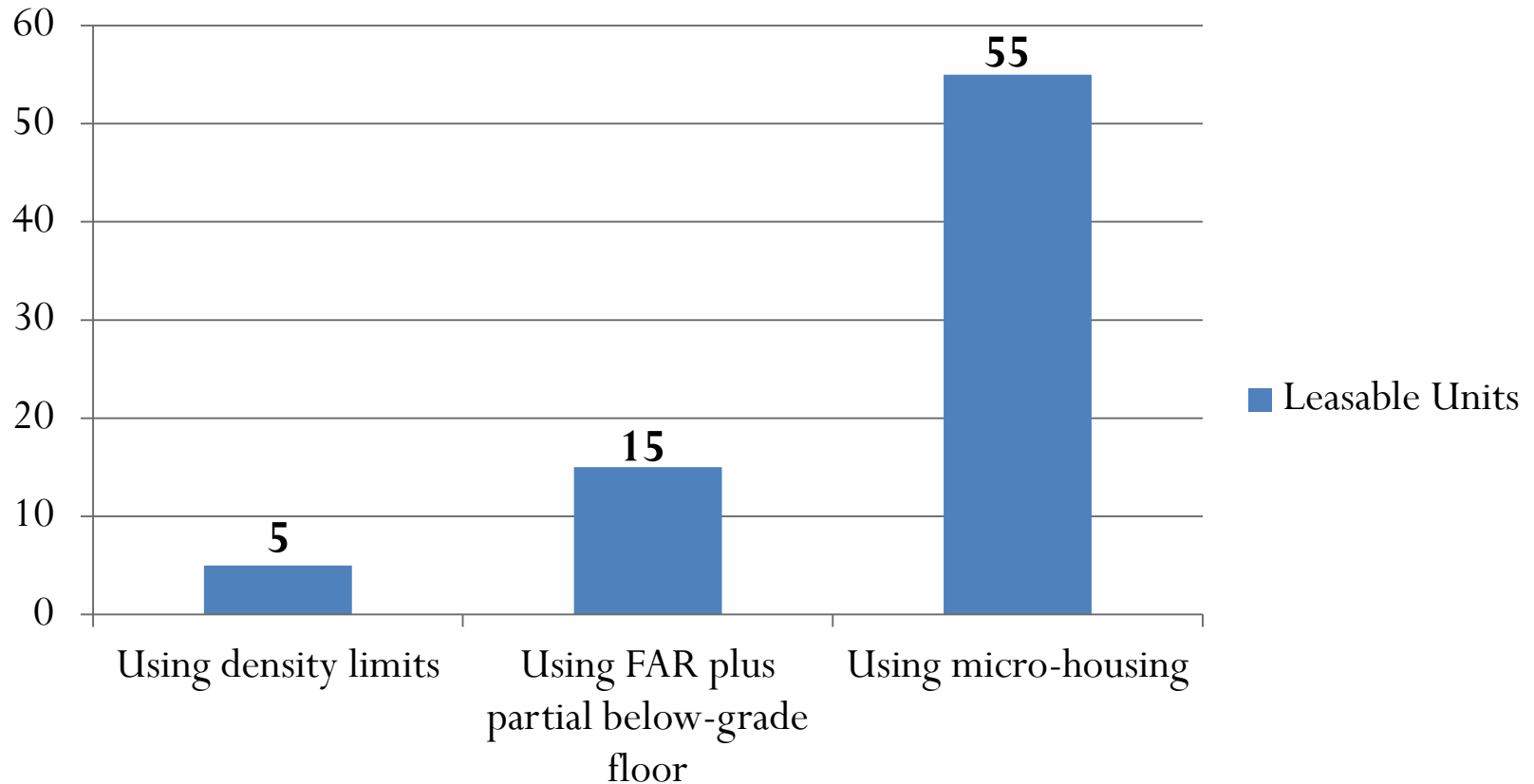
- DPD says average size is 257 sq ft.
- Analysis of the plans for 691 of 1751 units shows:
 - 68% are under 204 sq ft,
 - 17% are under 140 sq ft, and
 - 5% are 100 sq ft or less.
- Statement to DPD by micro-housing developer:

“....225 SF of gross building area / sleeping suite is about as tight as it can get! If we get to 200 SF/unit we will be approaching the sleeping pods at Japanese airports?”

Density Impact on Lowrise Zones

Three options for developing a 4,000 sq ft lot in LR3 zone

Leasable Units



DPD attempts to deal with Complexity

Director's Rules clarify the Land Use and Building Codes.

**Seattle Land Use Code
(SMC 23)**

**Director's Rule
7-83**

“Determining the Existence of a
Dwelling Unit for the Purpose of Code
Enforcement”

Dwelling unit has lockable interior
door, food prep area, bathroom,
mailbox, separate lease

**Director's Rule
6-2004**

“Small Efficiency Dwelling Units”

Efficiency dwelling unit is 220+
sq ft, has sink, cooking appliance,
refrigerator, bathroom

Seattle Building Code`

DPD attempts to deal with Complexity

DR 6-2012 supersedes the Building Code; provides alternate means of “compliance”

Seattle Land Use Code
(SMC 23)

Seattle Building Code`

Director's Rule 6-2012

“Building, Mechanical and Energy Code
Requirements for **Boarding Houses**
Having 8 or Fewer Bedrooms and Less
than 2000 Square Feet of Floor Area”

Enables micro-housing

- Allows stacked boarding houses
- Overrides minimum unit size

Director's Rule or Developers' Rule?

Rules are negotiable

- Director's Rule 6-2012 developed over 21 months

“This rule clarifies the distinction between a single family dwelling unit and a boarding house for the purpose of applying the Seattle Building Code (SBC). When a building is a boarding house under this rule, the boarding house shall be subject to the SBC and shall not be subject to the Seattle Residential Code.”

- Creates freedom for micro-housing extra-legislatively

“For SBC purposes, where the bedrooms are designed or configured as sleeping units and each resident is provided with a level of independence and privacy from other residents, the sleeping units may be considered as together forming a boarding house. Although the Land Use Code allows no more than eight nontransient and unrelated persons to constitute a household, the Land Use Code does not control the application of the SBC or when a building is a boarding house under this rule.”

- Rules are negotiable?

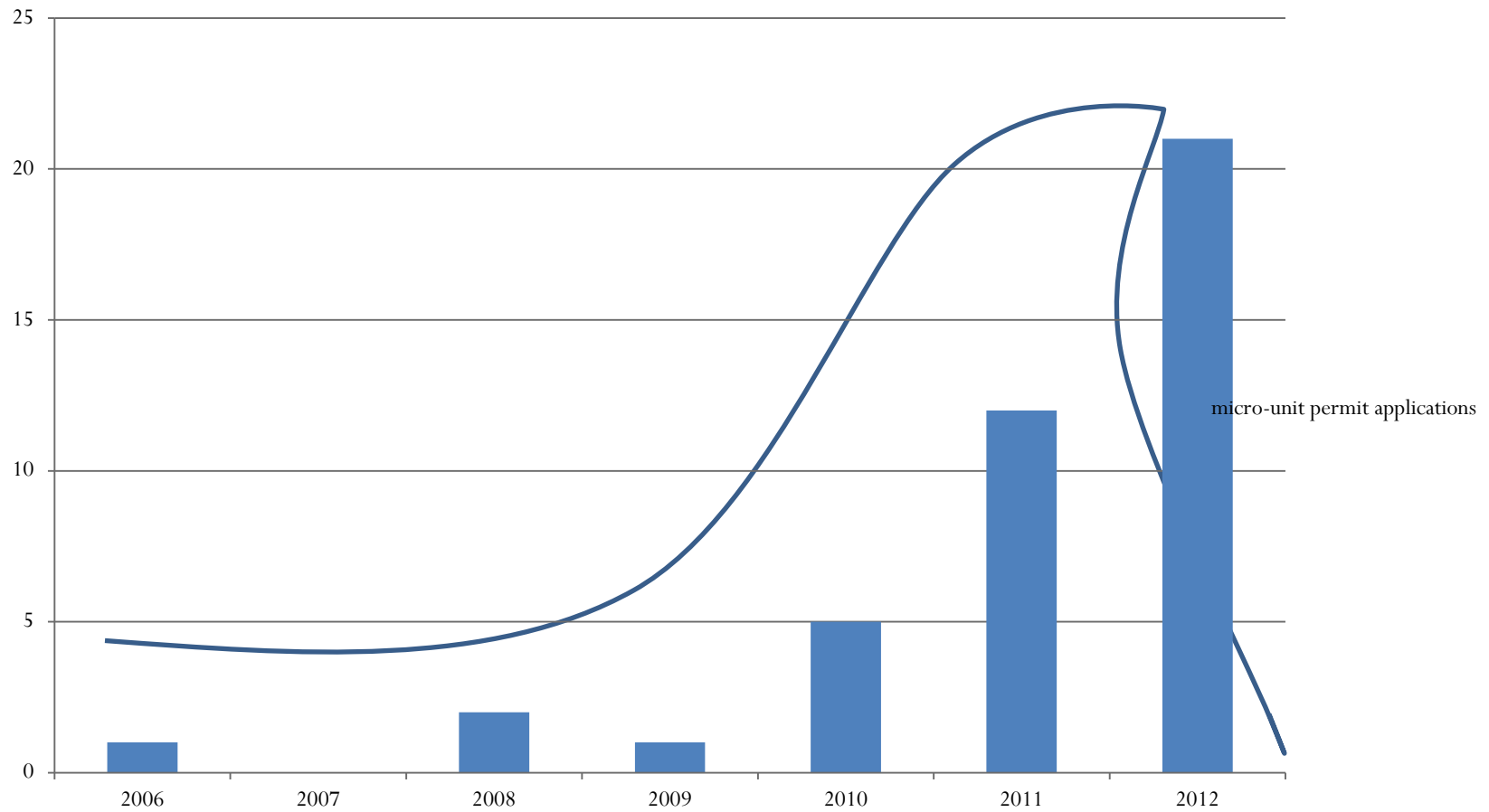
“The Department of Planning and Development recommends applicants schedule a presubmittal conference when a boarding house is subject to this rule.”

- **During 2011 and 2012 developers are granted numerous departures:**

- Health and safety
- Environmentally Critical Areas Steep Slope Requirements
- Building Code applicable to a project
- Design standards
- Americans with Disabilities Act

Tsunami of Permit Applications

micro-housing permit applications



Permit application dates from “DPD microhousing List 3-25-13”. Excludes single family conversions.

Busted!

Code interpretation request for micro-housing project at 741 Harvard

Seattle Land Use Code
(SMC 23)

Director's Rule
6-2012

Building, Mechanical and Energy Code
Requirements for **Boarding Houses**
Having 8 or Fewer Bedrooms and Less
than 2000 Square Feet of Floor Area

Code Interpretation
13-002

**Rejects the “shared kitchen”
ruse used to conceal the
actual dwelling units in order
to avoid Design Review
(SEPA not addressed)**

Director's Rule
7-83

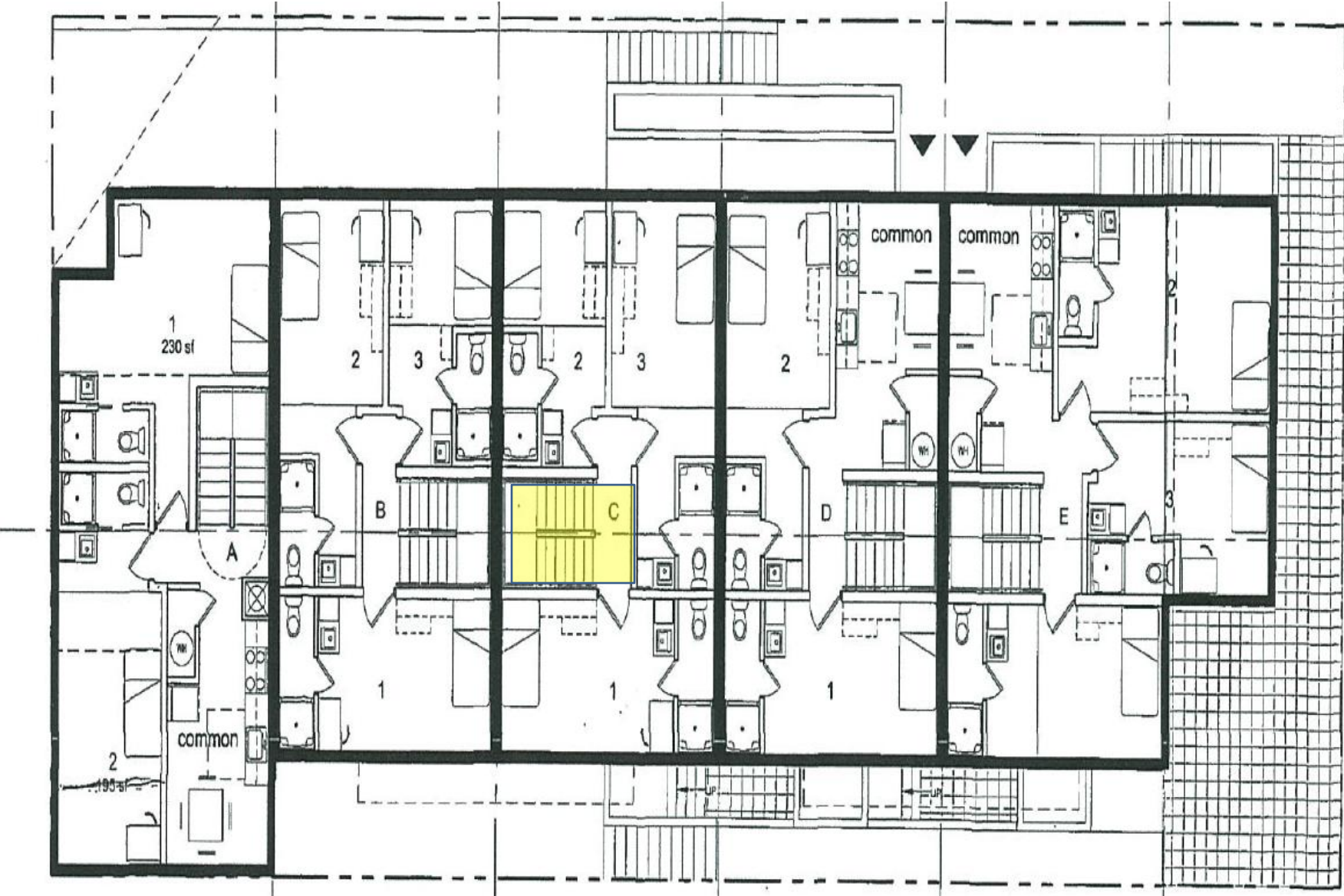
Determining the Existence of a
Dwelling Unit for the Purpose of Code
Enforcement

Seattle Building Code`

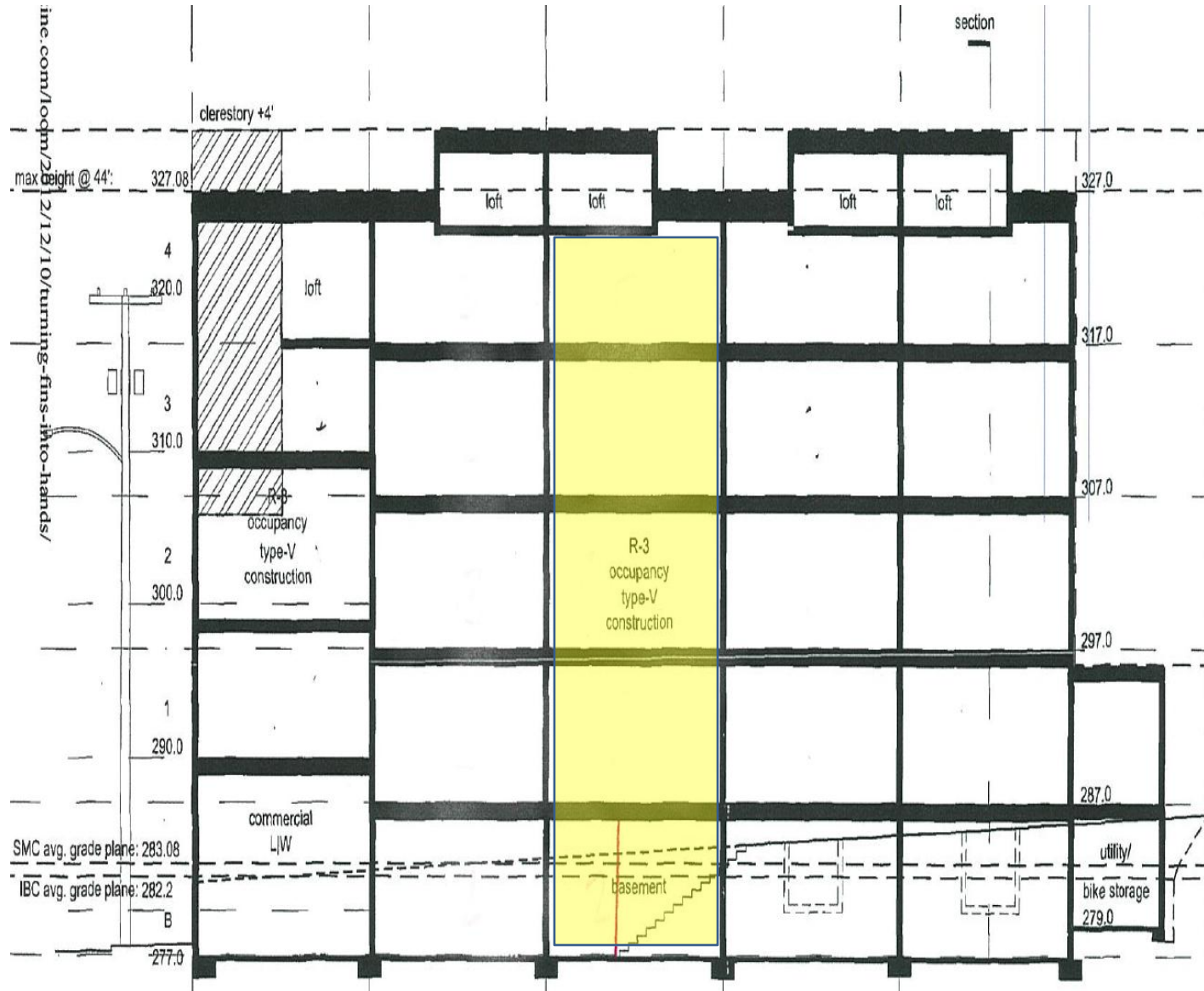
Director's Rule
6-2004

Small Efficiency Dwelling Units

Emergency egress and access



5 Dwelling Units, 5 Floors



54 feet in a 40 foot zone

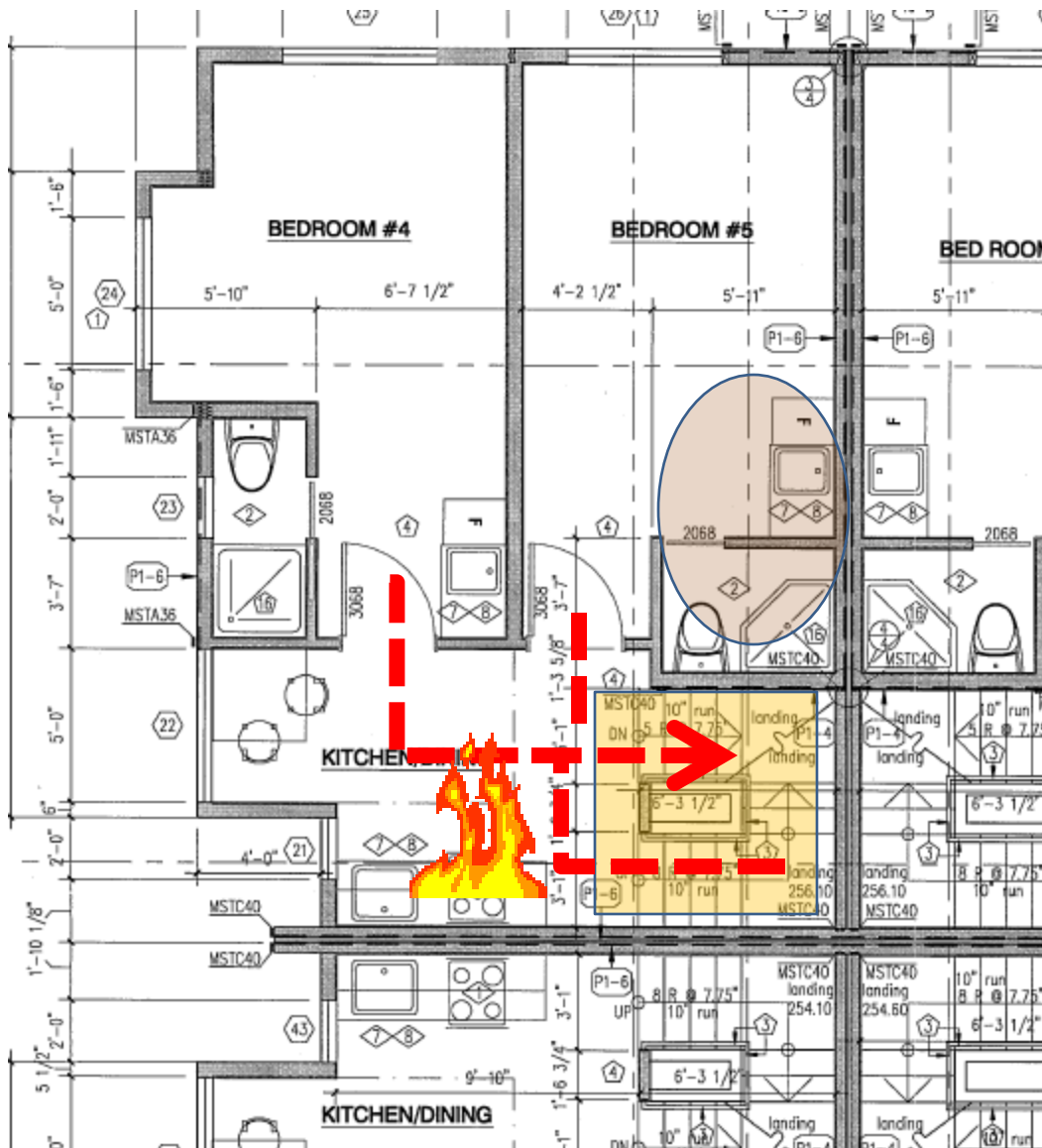
5 “dwelling units” plus commercial = 40+ units, no parking



Parking: having it both ways?

- DPD: No parking required; SEPA denied
- SDOT issuing RPZ parking permits
 - SDOT: 30% apply for permits
 - Portland: 72% own cars
- Impact falls on locally-owned businesses

Need Review of Micro-housing Projects



- Egress safety
- Health and hygiene

Illustration from DPD's April 18th presentation

City Council Must Act Now

1. Count units properly, please
 - Use separately leasable units as threshold
 - Design Review and SEPA
 - Address growth target count accuracy
 - Minimum amenities (bike parking, full ADA access, etc.)
2. Enforce “Efficiency Apartment” rules (Director’s Rule 6-2004)
3. Buildings over three floors need two means of egress and elevators
4. Must have lavatory in the bathroom and separate sink in the kitchen
5. Review of existing projects for health and safety compliance
6. Parking provided based ownership reality
7. Revoke permits issued in error based on inaccurate unit counts