

Amendment to C.B. 118052 – Eliminate the proposed “100% Rule
Sponsors: Burgess, Licata
Green

This proposed amendment would eliminate the proposed new exception to minimum lot area standards called the “100% Rule.” Changes to the bill are shown in double track changes. The amendment also reletters subsection 23.44.010.B and deletes a cross-reference.

This proposed new exception would allow separate development of lots that are substantially smaller than the minimum lot size prescribed for each single family zone. This new proposed exceptions should not be approved for the following reasons:

- Adding a new exception to minimum lot sizes in single family zones runs counter to the original goals of this legislation, which included limiting the use of lesser-known provisions in the land use code to build development often out-of-scale with the neighborhood.
- New land use code provisions often come with unintended consequences; the effects of this new provision are still too unclear to be fully understood.
- New homes created through the exception are not likely to further other Comprehensive Plan goals, such as providing housing affordable to middle and lower income households.
- Finally, the amount of additional development sites created through the proposed exception - estimated by proponents at approximately 260 sites - would not meaningfully add to the overall supply of housing in the City. However, it could give neighborhoods a sour taste of density when they could be allies in supporting smart, concentrated density in urban centers and villages.

Section 5. Subsections A, B, C, D and E of Section 23.44.010 of the Seattle

Municipal Code, which Section was last amended by Ordinance 123978, are amended as follows:

23.44.010 Lot requirements

B. Exceptions to ~~((Minimum Lot Area Requirements))~~minimum lot area requirements.

The following exceptions to minimum lot area requirements are allowed, ~~((subject to the development standards for undersized lots in subsection 23.44.010.C, except as limited under))~~subject to the requirements in subsection 23.44.010.B.2, and further subject to the requirements in subsection 23.44.010.B.3 for any lot less than 3,200 square feet in area:

1. A lot that does not satisfy the minimum lot area requirements of its zone may be developed or redeveloped (~~(separately)~~) under one of the following circumstances:

a. “The Seventy-Five/Eighty Rule.” The Seventy-Five Eighty Rule exception may be applied to allow separate development of lots already in existence in their current configuration, or new lots resulting from a full subdivision, short subdivision or lot boundary adjustment. In order to qualify for this exception, the lot must have an area at least 75 percent of the minimum required for the zone and also at least 80 percent of the mean area of the lots within the same block front, subject to the following provisions:

~~((§))~~7) New lots created pursuant to subsection 23.44.010.B.1.a((:2)) ~~or subsection 23.44.010.B.1.b~~ shall comply with the following standards:

a) ~~((for))~~For a lot that is subdivided or short platted, the configuration requirements of subsections 23.22.100.C.3 and 23.24.040.A.9 or with the modification provisions of subsections 23.22.100.D and 23.24.040.B, as applicable; or

b) ~~((for))~~For an existing lot that is reconfigured under the provisions of Chapter 23.28, the configuration requirements of subsection 23.28.030.A.3 or with the ~~((or))~~modification provisions of subsection 23.28.030.A.4.

~~b. “The 100 Percent Rule.” The 100 Percent Rule exception may be applied to allow separate development of lots already in existence in their current configuration, or new lots resulting from a full subdivision, short subdivision, or lot boundary adjustment. To qualify for this exception, a lot must have an area no less than the mean area of the lots within the same block front, subject to the same provisions provided for under the Seventy-Five Eighty Rule in subsections 23.44.010.B.1.a.1 through 23.44.010.B.1.a.7. The number of lots that newly qualify for separate development as a result of applying this exception shall not exceed the number of existing lots on the block front that provide the basis for the mean lot area calculation. Any lot that qualifies for separate development as a result of applying this exception shall be at least 2,500 square feet in area. Along any one block front, no more than two lots may qualify for~~

~~separate development under this exception as a result of demolishing a house, houses or portions of houses in existence on or after February 1, 2013.~~

~~eb.~~ eb. The lot area deficit is the result of a dedication or sale of a portion of the lot to the City or state for street or highway purposes, payment was received for only that portion of the lot, and the lot area remaining is at least ~~((50 percent of the minimum required))~~ 2,500 square feet.

~~((c))d.~~ d. The lot would qualify as a legal building site under subsection 23.44.010.B but for a reduction in the lot area due to court-ordered adverse possession, and the amount by which the lot was so reduced was less than 10 percent of the former area of the lot. This exception does not apply to lots reduced to less than ~~((50 percent of the minimum area required under subsection 23.44.010.A))~~ 2,500 square feet.

~~((d))e.~~ e. “The Historic Lot Exception.” The historic lot exception may be applied to allow separate development of lots already in existence if ~~((The))~~ the lot has an area ~~((at least 50 percent of the minimum required under section 23.44.010.A))~~ of at least 2,500 square feet, and was established as a separate building site in the public records of the county or City prior to July 24, 1957, by deed, ~~((contract of sale, mortgage,))~~ platting, or building permit, ~~((and falls into one of the following categories))~~ The qualifying lot shall be subject to the following provisions:

~~((e))f.~~ f. The lot is within a ~~((Clustered Housing Planned Development))~~ clustered housing planned development pursuant to Section 23.44.024, a ~~((Planned Residential Development))~~ planned residential development pursuant to Section 23.44.034, or a development approved as an environmentally critical areas conditional use pursuant to Section 25.09.260.

~~((f. The lot is or was created by short subdivision of a lot containing more than one existing single family dwelling unit pursuant to Section 23.24.046.))~~

gf. If a lot qualifies for an exception to the lot area requirement under subsection 23.44.010.B.1.a, 23.44.010.B.1.b, 23.44.010.B.1.c, 23.44.010.B.1.d, or

Amendment to C.B. 118052 – Eliminate the proposed “100% Rule
Sponsors: Burgess, Licata
Green

23.44.010.B.1.e, the boundaries between that lot and contiguous lots on the same block face that also qualify for separate development may be adjusted through the lot boundary adjustment process if the adjustment maintains the existing lot areas, increases the area of a qualifying substandard lot without reducing another lot below the minimum permitted lot area, or causes the areas of the lots to become more equal provided the number of parcels qualifying for separate development is not increased. Lots resulting from a lot boundary adjustment that do not meet the minimum lot area requirement must qualify for an exception to that requirement.