# Director's Report
# Amendments to Standards for Lot Configuration and Minimum Lot Area Exceptions

## Proposal Summary

The Department of Planning and Development (DPD) is proposing amendments to the Seattle Land Use Code that would implement new lot shape and configuration standards; establish development standards specific to lots in single family zones that qualify for minimum lot area exceptions but have an area less than 2,500 square feet; limit how lot coverage is calculated; and clarify existing standards for structures eligible for unit lot subdivisions.

*1. Lot shape and configuration standards:* Amend subdivision, short subdivision, and lot boundary adjustment regulations to require that newly created or newly adjusted lots meet specific standards:

a. Minimum street frontage of 10 feet for lots proposed with street frontage
b. 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 measured perpendicular to the width
c. Maximum of 6 lot lines
d. Must provide alley access if original lot fronts on alley
e. The standards may be waived or modified based on specific site conditions such as location of streets, structures, natural topographic features, etc.
f. "Two house/one lot" short plats in Section 23.24.046 are exempt
g. Departure under Design Review is not allowed

*2. Development standards for certain "undersized lots":* Amend Section 23.44.010.B and C as follows:

a. Require lots that are platted under the "75/80" rule to meet the lot configuration standards or qualify for a waiver of those standards, just as a proposal for new lots meeting minimum lot size would be required to do.
b. Limit maximum base height of new structures on lots less than 2,500 square feet to 22 feet
c. Limit structure depth on lots less than 2,500 square feet to two times the width of lot, if the lot is less than 30 feet wide

*3. Lot coverage limitation:* Amend Section 23.44.010.C as follows: Allow only portions of lots that measure at least 10 feet in any direction would count in lot coverage calculations. (Note that this change would not affect minimum lot area calculation for purposes of compliance with minimum lot size or the exceptions to minimum lot size).

4. Clarification of standards in Section 23.24.040.A.7 for structures eligible for unit lot subdivision: Section 23.24.045.A was amended by Ordinance 123495 to specify that unit lot subdivisions are available only for townhouse, rowhouse, and cottage housing developments in Single-Family, Residential Small Lot, and Lowrise zone, and for single-family dwelling units in Lowrise zones. However, Ordinance 123495 did not amend the criteria for approval of short plats in Section 23.24.040.A.7 that also requires conformance to the provisions for unit lot subdivisions in Section 23.24.045 when separate lots are proposed in certain zones for specific housing types. The proposed amendment to Section 23.24.040.A.7 changes the language so the listed housing types and zones are the same in both Section 23.24.045 and 23.24.040.A.7

**Background**

Since the City of Seattle was founded, property has been subdivided into blocks and lots. Initially, platting was intended as a convenient means for tracking and transferring of ownership of land, but early platting laws simply required references to numbered lots and blocks on a recorded plat, and no specific requirements existed for size or shape of these lots and blocks. [Settle, *Washington Land Use and Environmental Law and Practice*, 1983]. A common pattern, though not required by law, was to design rectangular patterns in line with a grid system for streets. Individual lots were often platted in widths of 25 or 30 feet and depths of 100 to 125 feet. Minimum lot area standards were first imposed for residential property by local regulation in the 1950's, and Seattle followed major revisions to State platting law (RCW 58.17) with its own local regulations requiring subdivision of most property in the early 1970's. With the adoption of subdivision regulations in the 1970's, it became easier to regulate the size of platted lots. However, no regulations for lot shape or configuration were ever added.

Concurrently with its relatively liberal approach to platting, Seattle first imposed a minimum lot area standard of 5,000 square feet for residential zones in 1953 (City Ordinance 82114). Four years later, an exception was added to the minimum area standards for lots that were platted prior to 1957, since most existing plats used a pattern of smaller lots (often 25 feet wide by 100 feet deep or 30 feet wide by 100 feet deep) and there was a policy concern that property owners should retain the right to develop their existing lots. The minimum lot area exceptions were expanded in 1982 when the Land Use Code (Title 23) was adopted, the purpose of which was to encourage infill development of vacant single family lots. Ordinance 113216, adopted in 1986, added a limitation to the exceptions aimed at controlling the demolition of existing housing to better protect neighborhood character, but still allowed development of many lots not meeting minimum area requirements.

Over the years, minimum lot area exceptions have generated disagreement in some neighborhoods due to the difficulty in predicting future development and the uncertainty that change often brings to a neighborhood. Neighbors have been surprised to find that parcels less than 25 feet wide or less than 50 feet deep, or that lack street frontage, may qualify as buildable lots. The Land Use Code allows various public records to be used to establish eligibility for the minimum lot area exceptions, including historic property tax assessment records, property ownership records including deeds, mortgages, or contracts of sale, and building permits. These public records may be unclear, and disputes about the records have occurred.

In 2008, the City Council adopted Ordinance 122823, implementing measures to address the bulk, design, and environmental impacts of single family and institutional structures, with the purpose of minimizing the impact of new development on existing homes and the character of single family neighborhoods. At that time, the Council directed DPD to consider further amendments addressing lot configuration requirements for all proposed lots and some additional standards for construction of new residences on very small lots. These proposed amendments stem in part from dissatisfaction expressed by neighbors of new single-family houses that appear to be out of scale with the size of the lot on which they are built. Additionally, in some cases, land has been subdivided into irregular patterns, leading to development that did not fit well in existing neighborhoods. The proposed amendments are intended to provide guidance for reasonable development to accommodate current and future households, while promoting development that helps strengthen the character of Seattle's neighborhoods. While the 2008 legislation dealt primarily with the fit of new development compared to the size of the lot, the current proposal largely addresses platting and the configuration of new buildable lots.

Lot configuration and undersized lot standards are needed since Seattle is primarily a built-out city with few large tracts of land available to accommodate a growing population at low densities. Many of the remaining parcels of land in single family neighborhoods are small, have a topographic or environmental constraint, or have existing development. Some proposals have included very irregularly shaped lots such as very thin strips, only inches wide, or portions that wrap around other lots. The resulting development is not always compatible with existing neighborhoods or environmental conditions. Unusual lot configuration may also raise issues of access to portions of the lots for maintenance and result in adverse possession claims, if property lines are unclear.

Since lot size and shape can also be an issue in non-residential zones, the proposed lot configuration standards would apply to all full subdivisions, short subdivisions, and lot boundary adjustments in all zones.

Lot configuration requirements are found in the zoning regulations of many other cities, including Bellevue, Kirkland, Tacoma, San Francisco, and Portland, Oregon. Most of these communities, particularly Bellevue, Portland, and San Francisco, have specific lot standards for width and depth that vary by zone. A lack of similar standards in Seattle's Land Use Code has sometimes led to unique or oddly configured yards, setbacks, street frontages, or access easements. The proposed changes to platting standards would align Seattle's regulations with other jurisdictions that address the size, shape, and configuration of new lots to allow for infill development through the orderly division of property.

## Analysis

*Lot Shape and Configuration*

Under the proposal to apply a minimum 10 foot street frontage requirement if street frontage is proposed, lots could still be platted or adjusted with access to a street or alley by easement or with alley frontage only. Therefore, this proposal is not expected to limit the number of lots that could be created when compared to what would be possible under the existing code.

Requiring a minimum dimension of 10 feet in any direction, excepting that a lot could be narrower than 10 feet for a distance of less than 10 feet measured perpendicular to the width of the lot, is intended to help ensure that proposed lots will provide reasonable separation between structures and yard, setback, and access requirements can be met. The proposal allows for flexibility in lot configuration when compared to approaches taken in other communities such as imposing a specific minimum depth dimension for newly created or adjusted lots.

Limiting the number of lot lines to six would restrict the shapes that can be created for lots, helping to ensure that most lots will conform to the standard rectangular or occasional triangular patterns that form the bulk of existing platting patterns in Seattle. Two main contributing factors to platting patterns are topography and the street system. Six lot lines allows a "panhandle" for access to a street where it makes sense to place one lot behind another due to the shape of the original parcel proposed for subdivision, the location of existing structures, or when it makes sense to adjust the lot lines of a very narrow existing lot to provide a wider lot. In the illustrations below, lots are generally rectangular but in each case an L-shaped parcel has been platted. (see Figure 1).

**Figure 1**




**Two sample lots (shown with cross-hatching) with six sides in a typical "panhandle" shape.**

If an alley is adjacent to the original parcel proposed to be subdivided, then under the proposal, no new lot would be allowed without providing alley access, if alley access is required. The concept is to prevent creation of a lot with street frontage only, and hence the need for a new curb cut on the street, if the original property has alley frontage. If existing development already has a curb cut on the street, then the development would be allowed to retain the existing curb cut. This proposal should not restrict the number of possible lots that can be created compared to current provisions.

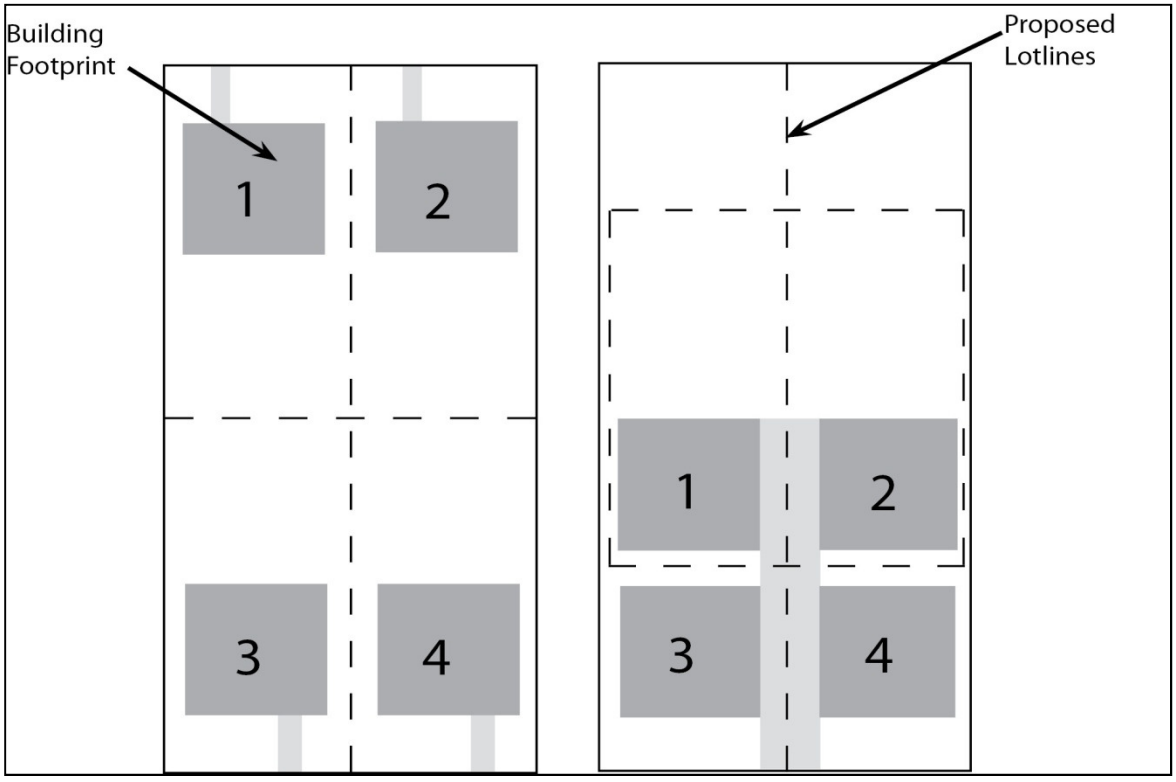
DPD proposes a waiver or modification of lot configuration standards in order to provide flexibility necessary to address unique circumstances such as location of streets, configuration of

preexisting property lines, natural topographic features, location of existing structures on existing lots prior to platting, location of existing easements, or feasibility of access to portions of the property. Any such modification or waiver would be allowed only to the extent that it would not detract from the pattern established in the neighborhood.

In addition, the standards for full subdivisions (ten or more proposed lots from a single parcel) and short subdivisions (nine or fewer proposed lots from a single parcel) would be similar and would be reviewed as part of the Type II Master Use Permit (MUP) process already required for these platting applications. Type II MUP applications are subject to public notice and an opportunity to appeal DPD's decision. The standards would also apply to lot boundary adjustments, but the proposal for lot boundary adjustments would remain a non-appealable Type I MUP decision. The rationale is that lot boundary adjustments do not create new lots or building sites but merely change the configuration of existing lots. In all cases, the addition of lot size and shape requirements will help to ensure a certain degree of consistency in building sites.

The following figure illustrates a proposed short-plat in a single-family zone that presents issues of location of building areas, application of development standards, and access to portions of the lots. (See Figure 2).

**Figure 2**



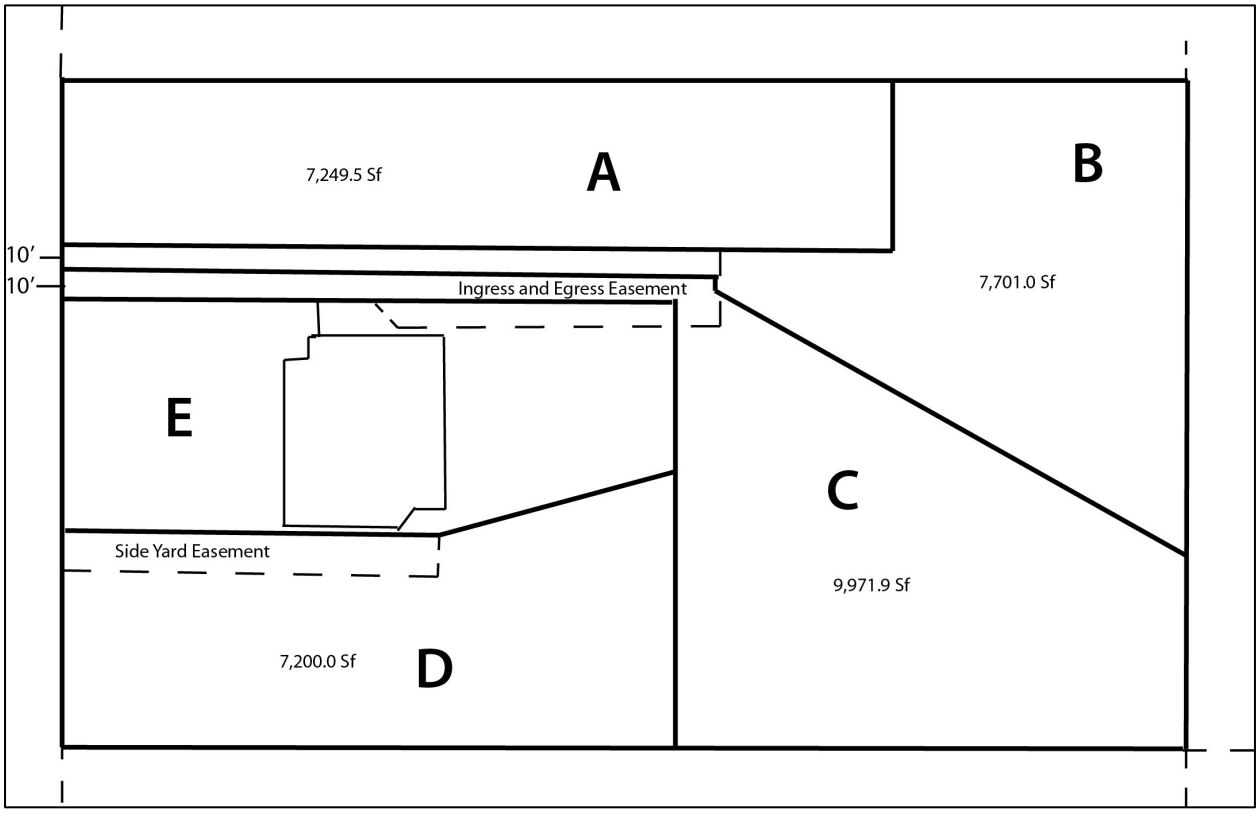

**The example on the left is a subdivision of one lot into four traditional rectangular lots, each with a driveway to a street. The example on the right is one lot subdivided into four irregular lots – two four-sided lots without street frontage (numbers 1 and 2) and two with 8-sides (numbers 3 and 4), all accessed by a single driveway.**

While the lots illustrated meet Code requirements for lot coverage, access and minimum area, concentrating development on only the front portion of each lot results in a concentration of structures close to the street, with a corresponding appearance of greater density than is allowed in the neighborhood.

In the illustration, a rear yard is connected to an area near the front of the lot by a narrow strip of land less than ten feet wide." The resulting plat arrangement allows houses lined up near the street in a configuration that appears to exceed lot coverage standards. Under this arrangement, lot coverage on the front portion of the site could theoretically be as high as 70 per cent, far in excess of existing lot coverage standards allowing structures to occupy no more than 35 percent of lot area. Such odd shaped lots result in a limited principal building area, thus the appearance of denser development than what is allowed in the neighborhood.

A further example (see Figure 3) illustrates how standards might be employed when waivers or modifications are sought. In the example, there is an existing house, and its location requires lot lines to be drawn around it. Further, each lot requires street access to qualify for an exception to minimum lot area.

**Figure 3**




**An example of a possible subdivision under the proposed waiver and modification of the proposed platting standards intended to preserve and existing house (shown on Lot E) and allow for five lots in a Single-family 9600 zone (with a minimum lot size of 9,600 square feet) allowed pursuant to the existing 75/80 Rule.**

In the example, the applicable zoning was SF 9600: Single-Family, with a minimum lot size of 9,600 square feet. Five lots were proposed on one original site with sufficient area for only four lots meeting the minimum lot area requirement of the zone. The fifth lot was proposed using a minimum lot area exception known as the "75/80 rule". The Land Use Code allows a lot to be platted smaller than the minimum lot size of the zone if the lot is at least 75 percent of the minimum lot area for the zone (3,750 square feet in the SF 5000 zone or 7,200 square feet in the SF 9600 zone, for example) and if that lot also has an area at least 80 percent of the mean lot area of all other lots on the block front (3,840 square feet if the mean lot area of the other lots on the block front is 4800 square feet, for example). To use the 75/80 rule, a lot must have street frontage. Four lots out of five were proposed meeting the minimum 75/80 lot area standards, and only one lot actually met the minimum lot area standard for the zone.

It is not uncommon, as in this illustration, for a developer to propose lots with "panhandles" to the street to qualify for the 75/80 rule. Since there are no existing platting standards in Seattle, the very narrow frontage could be proposed, and the required front yards would be calculated within the panhandles. The proposed standards would require 10 feet of frontage on the street. Waiver or modification of the standards could be considered based on the location of the existing development and possibly other factors such as location of utilities or trees in the right of way.[1]

Under current regulations, however, there is very limited authority to review the proposed configuration due to the lack of specific standards. The proposal would provide the opportunity to work with the applicant and neighbors to determine if the complicated arrangement proposed is actually the best option available.

*Probable Effect of Proposal on Development Applications.* Between 2008 and 2010, DPD reviewed approximately 350 subdivision and short subdivision applications. Most of the applications (338) were unit lot short subdivisions (nine or fewer proposed lots). Unit lots are ownership units and not a basis upon which to measure development standards for a structure. Development standards for new structures apply to the parent lot from which the ownership unit lots are divided. Unit lots are not covered by this legislation. Based on a reasonable sample of the plats, discounting the unit lots, it is likely that a relatively small number included proposed irregular lots.

Irregular lots are often proposed for legitimate reasons, such as the presence of an unusual street pattern, existing development that is sensible to preserve, or geographic conditions including water or steep slopes that prevent a regular pattern. The proposed regulations would allow equitable exceptions to platting standards to accommodate existing site conditions. A reasonable estimate of the total number of applications that would be affected by the proposed standards is less than five percent. It is likely that only a fraction of the five percent of these applications would result in preventing the construction of a house.

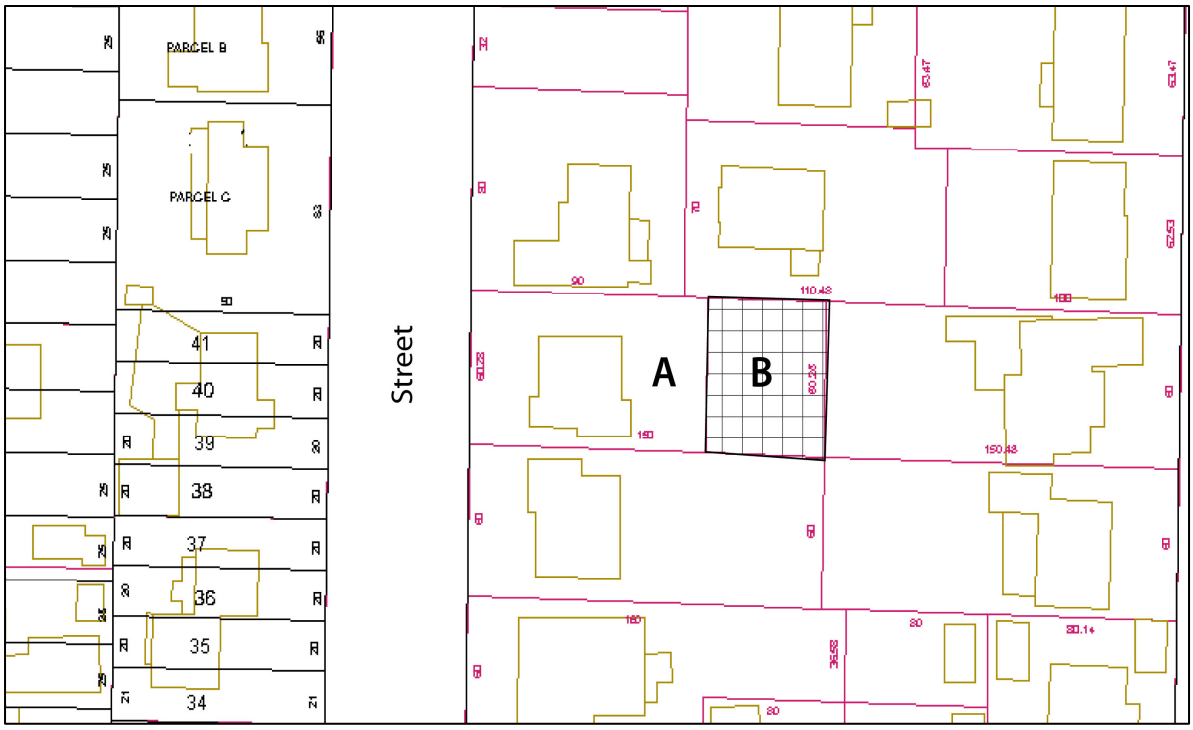
[1] In the example, the panhandles (Parcels B and C) are shown as ten feet wide. In the original plat on which this example is based, the panhandles were only six feet wide because of limited land area available to comply with the calculations of the 75/80 rule. The proposed standards would require analysis through the waiver or modification procedure to determine if panhandles less than ten feet wide would be allowed.

*Development Standards for Certain Undersized Lots*

Because Seattle is a largely built-out city, the Land Use Code has allowances (in the form of exceptions) for new houses to be built on lots that are smaller than the minimum lot size in single-family zones. The intent is to provide reasonable opportunities to increase single family housing opportunities while maintaining neighborhood character. Part of neighborhood character includes existing homes in many neighborhoods that are constructed smaller than a zone may allow. Some neighborhoods also have homes that are built with two to three stories, while other neighborhoods have houses that rarely exceed one story, but the applicable zoning may be the same in either case.

Single-family zones are differentiated by minimum lot sizes of 5000, 7200, or 9600 square feet. As noted previously, exceptions to the minimum lot size standards have existed since 1957. These exceptions are driven by historic platting patterns in large areas of the city, particularly North Ballard, Greenwood, Green Lake, West Seattle, parts of Capitol Hill, and the Rainier Valley. Concern for the development expectations of property owners and the policy of promoting infill housing have been a further factor in development of the exceptions.

**Figure 4**

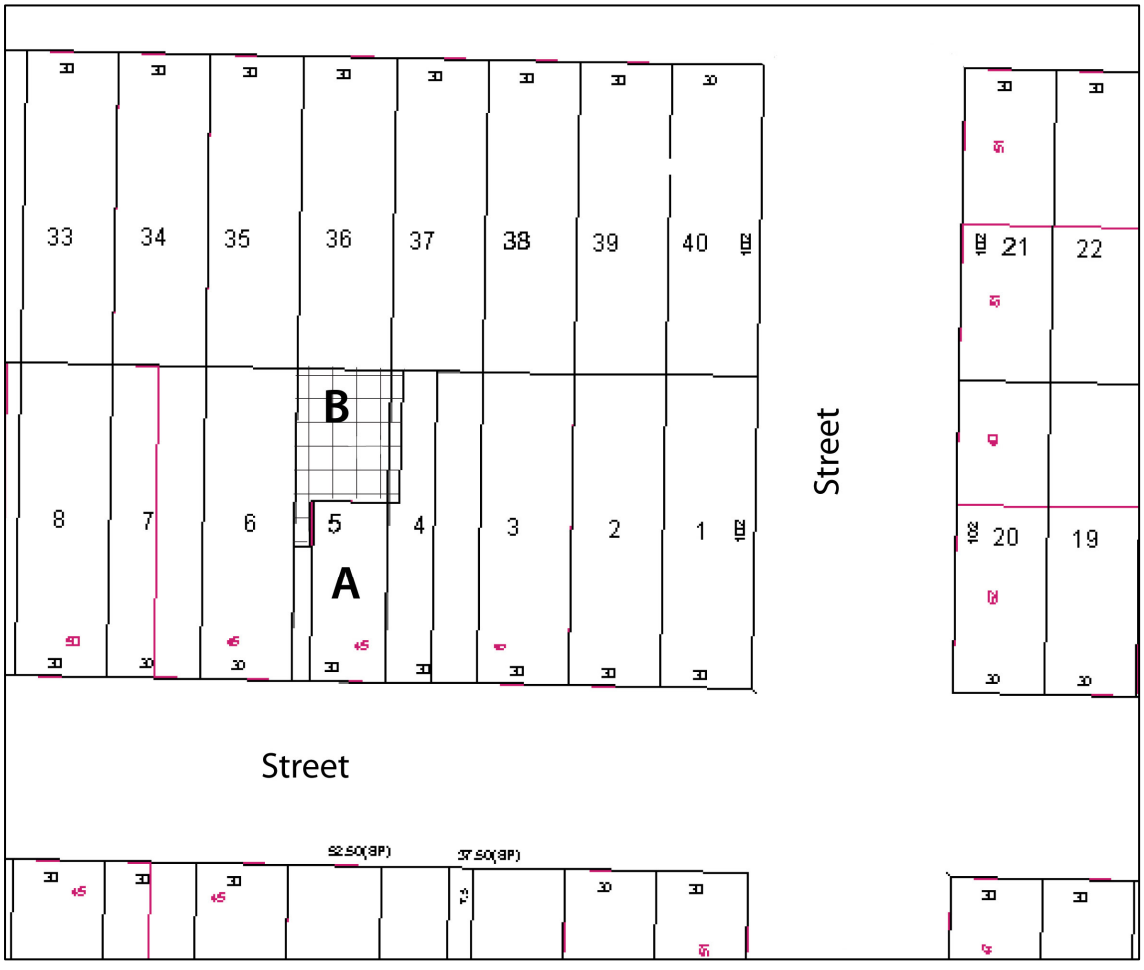



**In this example, while it may appear that Lot A extends to the same rear lot line as the adjoining lot, the portion of the lot marked "B" is actually a legal building site established in the property tax records prior to 1957 and may be independently developed.**

As shown in Figure 4, the parcel to the right (Parcel B) has no street frontage. Further, although the zoning is SF-7200: Single-Family Residential, with a minimum lot size of 7200 square feet, the parcel size is 3,012 square feet, less than half the minimum lot size of the zone. The property qualified as a legal building site because the parcel was determined to have been segregated for property tax assessment purposes prior to 1957. Since Parcel B has no street frontage, the developer may choose the yards (front, rear and sides), with the result that side yards were chosen on the east and west sides, and a new residence was built six feet from the lot line of the lot to the east (to the right of Parcel B).

In this case, the new house was developed with front and rear yards facing north and south, instead of east and west in conformity with the prevailing platting pattern. This resulted in a house very close to the rear yard of the house to the east, instead of separated by the standard rear yard depth of 20 percent of the depth of the lot.

**Figure 5**




**An example of a 2 lots (originally the West half of Lot 4 and all of Lot 5) that were reconfigured by lot boundary adjustment as Lots A and B.**

In the example shown in Figure 5, an exception from minimum lot area was originally determined to apply to the west half of Lot 4, which was a 15-foot-wide parcel in a Single Family 5000 (SF-5000) zone, with a total area of just slightly more than 1500 square feet, or about 30 percent of the zoned minimum lot size of 5000 square feet. The lot was segregated for property tax assessment purposes prior to 1957. Once the lot was approved as a building site, a lot boundary adjustment was approved to allow a new house on Parcel B to be constructed behind an existing house on Parcel A[2]. The result, while likely a better arrangement than proposing construction on a 15-foot-wide parcel, was a departure from the platting and development pattern on this block, which is one of longer and wider rectangular lots with individual houses generally centered on each lot, with deep rear yards. Structures in those rear yards are limited to relatively small detached garages.

Just as in the first example, the adjusted lot was an interior lot with no street frontage and the property owner was free to choose the orientation of yards. The north-south orientation of front and rear yards, the common pattern on the block front, is actually maintained, but a small panhandle was provided for the Parcel B in which the entire required 20-foot deep front yard is located, but the width of that front yard is only six feet.

The house that was built on Parcel B is 30 feet in height and separated from the house to the south on Parcel A by about 17 feet. Parcel A was also redeveloped with a second new house 30 feet in height. The effect from the street view is show in the following photos (see Figure 6).

**Figure 6**



**Two photos showing views of two new houses and an existing smaller adjacent house built on the lots shown in Figure 5.**

[2] Note that structure outlines are not provided in this example as Parcel A was ultimately redeveloped and the houses on Parcels A and B are both too new for their outlines to appear on current DPD land use maps.

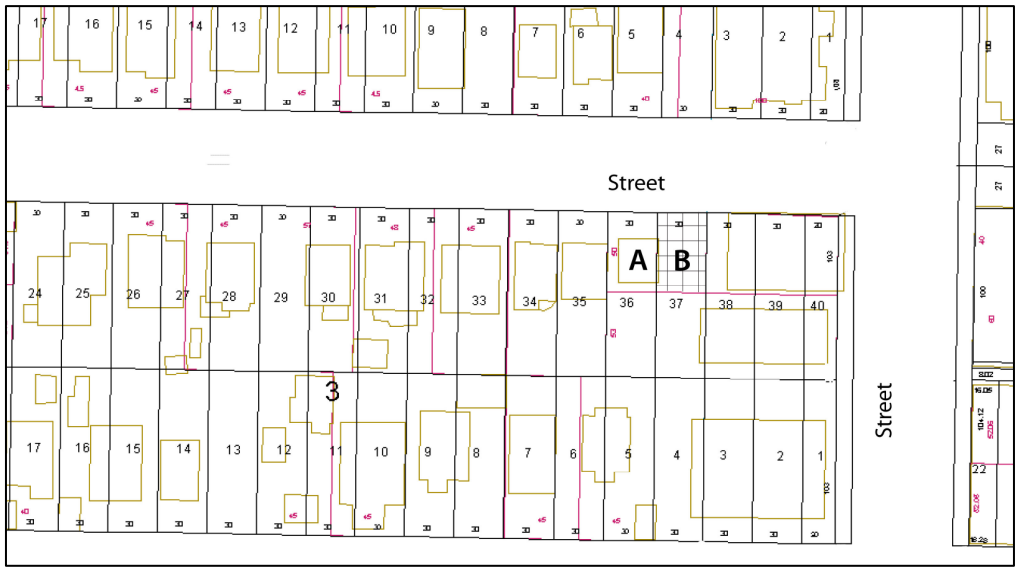
The effect of the new development is concentration of two much larger houses onto a lot where one smaller house similar to the older adjacent house was previously developed.

New development standards are proposed in order to minimize the impact of the considerable bulk and scale implications of new houses built on such small lots. The proposal would limit the maximum base height for a new house to 22 feet for lots less than 2,500 square feet in area. The maximum height for residences in Single Family zones is currently based on lot width[3], but structures on lots that are wider than 30 feet are allowed a height of 30 feet, while on lots 30 feet or less in width the allowable height is 25 feet. Exceptions and exemptions such as allowing additional height for pitched roofs would continue to apply. The lower height limit is expected to control perceived bulk of structures on small lots that qualify as separate legal building sites.

Additionally maximum structure depth would be limited to two times the width of the lot. This proposed standard, like the proposed 22-foot height limit, would further control bulk and scale of structures on very small lots.

For Parcel B, the result would be a considerably lower rear house, although a two-story structure would still be possible. The front house (Parcel A) would remain the same, as it is built on a 3,060-square-foot lot. Both lots are more than 30 feet wide. It is worth noting that the Parcel B structure is about 26 feet deep and would likely meet the proposed structure depth limitation.

**Figure 7**




**In this example, while if may appear from the street that the existing house shown occupies both Lots A and B, the two lots may be developed independently.**

[3] The land use code establishes a base height for structures, typically 30 feet in single family zones but only 25 feet on lots less than 30 feet wide. Additional height up to five feet is allowed for pitched roofs and some architectural features such as open rails, planters, and chimneys.

In the example shown in Figure 7, the parcels in question are the north 50 feet of Lots 36 and 37. These parcels are both 1,500 square feet. Zoning, as in the previous example, is SF 5000. Parcel B, to the right of previously developed Parcel A, was determined to have been segregated for property tax assessment purposes prior to 1957. Thus, Parcel B (the North 50 feet of Lot 37), was determined to qualify as a separate building site, since the house on Parcel A had no history of additions or alterations after the effective date of Seattle's first zoning ordinance in 1923, and there was a survey showing that the house was built entirely on the North 50 feet of lot 36.

**Figure 8**

**The house constructed on Parcel B, in Figure 7.**



The Parcel B house is a considerable departure from the existing neighborhood architecture, which is more like the adjacent house on Parcel A (to the right in the photo). Although that departure is allowed by Code, under the proposed new standards, the Parcel B house, which was built to a height of 25 feet, would be reduced in bulk, as the base height for a flat roofed house would be 22 feet. Since the lot is only 50 feet deep and 30 feet wide, the structure depth standards would not have any effect, because the rear yard (20 percent of the lot depth) is only 10 feet, and the Land Use Code allows a 45-foot deep house. In this example, the house depth of 28.5 feet is effectively limited by the existing yard requirements.

*Probable effect of proposal on development applications.* Applications seeking to legalize lots based on public records predating the 1957 minimum lot area standards are relatively rare, and many of these lots are reviewed through the optional "legal building site" review process that DPD offers as a service to property owners.[4]

[4] DPD currently offers a process for research and drafting of a "legal building site opinion letter" to any customer who desires a detailed written analysis of whether a particular parcel of property qualifies under the Land Use Code as a buildable lot. Legal building site letters are not a prerequisite to filing an application to develop property, and they are not subject to a public notice or appeal process unless a request for a formal written interpretation of the Land Use Code is requested to challenge the conclusions in a building site letter. The letters are instead characterized as non-binding opinions of DPD staff and are simply offered as a service to customers.

The number of legal building site determinations each year has typically ranged from 30-40. In 2010, only 27 were drafted. The smaller numbers may be due to current economic conditions, however undersized lots have been gradually developed over the years and are less common than they once were. A main purpose of the Code adopted in 1982 that allowed unplatted lots appearing in the public records to qualify for the minimum lot area exception was to promote infill housing. After 25 years, that goal has largely been achieved. The current amendments will only modestly impact that goal, while providing more predictability for neighbors and better protecting neighborhood character. The proposal would generally apply to a subset of undersized lots that are less than 2,500 square feet in area. These lots are themselves a subset of the total number of building site letters written and are the ones most likely to result in development that is out of scale relative to the size of the lot. It is likely that no more than 15-20 building permit applications would be affected each year, with only a slight increase in permit review time.

The modest, though important, impact of the proposed controls is illustrated by review of DPD application records. As noted above, total numbers of undersized lots reviewed between 2008 and 2010 were about 260 projects. However, only 18 permits for lots either less than 2,500 square feet in area or less than 50 percent of the zone minimum lot size standard appear in DPD application records for 2008 through 2010. Thus, the impact on development as well as on the opportunities for infill housing is expected to be minimal.

A further limitation in the proposed legislation, applicable to existing and newly platted lots or lots qualifying for the minimum lot area exceptions, would require that only portions of lots measuring at least 10 feet in any direction would count in lot coverage calculations. (Note that this change would not affect minimum lot area calculation for purposes of compliance with minimum lot size or exceptions to minimum lot size.) Thus, somewhat smaller structures would be required on lots if portions of the lots include "dog legs" to reach a street or the lots are "dumbbell shaped" to skirt existing development standards. This part of the proposal relates to both platting and approval of lots qualifying for minimum lot area exceptions and will help to ensure residential development of appropriate bulk and scale on lots that have configurations departing from traditional shapes such as the standard rectangular pattern.

**Recommendation**

The proposed changes to the platting regulations and development standards for certain lots not meeting the minimum area requirements of the single family zones are a reasonable extension of the changes begun under the 2008 amendments to the Land Use Code. The changes will further control the size of new residences on smaller development sites, but in turn will allow for reasonable flexibility to allow designs that will serve future residents and allow for infill development in the city. Similarly, platting patterns will be more logical, but flexibility will be retained to address sites that have unique topography, existing development, or unusual street access. DPD recommends approval of the proposed amendments.