

Seattle Permits

— part of a multi-departmental City of Seattle series on getting a permit

Legal Building Site Letters

Updated September 23, 2020

This Tip outlines the purpose and requirements for a Legal Building Site Letter. It is an opinion letter, which provides a determination on if a lot qualifies for separate development. You can find the specific regulations for legal building sites in the City's Land Use Code.

What is a Legal Building Site?

A legal building site is a lot that qualifies for separate development. To qualify, the lot must have been legally separated from neighboring properties and not be needed to meet code standards for a development on a neighboring lot. Since 1972, the City of Seattle has required a formal platting action, such as a short subdivision, to legally separate properties. Prior to that, property owners could create separate lots as a result of separate deeds or site descriptions on building permits.

In single-family zones, in order to be a legal building site, a lot must meet the minimum lot area for the zone, or else qualify for one of the lot area exceptions provided in the Land Use Code (SMC 23.44.010.B).

Can I have a lot smaller than the minimum lot area in a single-family zone?

There are three single-family (SF) zones that vary by the minimum lot area required for each lot, measured in square feet: SF 5000, SF 7200, and SF 9600. For example, in a SF 5000 zone, each lot generally needs a minimum of 5,000 square feet to be developed with a house. On waterfront lots submerged land is not counted towards this requirement. There is a fourth single family zone known as Residential Small Lot (RSL). RSL lots have no minimum size but there are minimum size requirements for most types of development on RSL lots.

The Land Use Code allows for certain exceptions to the minimum lot area required for a lot to be developed independently. These are in the single-family chapter in Section 23.44.010.B. To qualify for one of the exceptions the lot must have at least 2,500 square feet. Lots that contain specific environmentally critical areas or their buffers are subject to further limitations.

One of the most common exceptions to the minimum lot area is for "historic lots." These are parcels that were established as separate lots by certain public records prior to July 24, 1957. A lot may qualify for this exception if it:

- Is a separate platted lot
- Was historically held under separate ownership from neighboring lots, based on deeds
- Was historically split off from a neighboring property by site descriptions on a building permit

For example, Seattle's original platting pattern often separated land into individual 25' x 100' lots. These individually platted lots would not meet today's minimum lot area. However, if the 2,500-square-foot lot was never developed as part of an abutting lot or was held under separate ownership, it may qualify for the historic lot exception. If the lot was held in common ownership but was not used to meet development standards for the house on the abutting lot – to meet setbacks or lot coverage – it may also qualify for this exception.

There are some limitations to the historic lot exception.

- A lot must have an area of at least 2,500 square feet to qualify.
- A parcel cannot qualify if it and a neighboring lot were developed as a single site with a principal structure, such as a house, built on or after January 18, 1987 that extends over the line between the properties. However, if accessory structures or unenclosed portions of principal structures such as decks are removed a lot may qualify.
- A parcel cannot qualify if it is needed to meet a development standard such as a yard requirement for a structure on a neighboring lot.

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Another common exception, which may be applied both to existing lots and to lots that are newly created through platting actions, is known as the “75/80 Rule.” To qualify, a parcel must meet two tests. First, it must have an area that is at least 75 percent of the general minimum required for the zone, e.g., 3,750 square feet in an SF 5000 zone. Second, the area of the lot must be at least 80 percent of the mean areas of the other lots along the same block front. Lots that are not in single-family zones, and large lots developed with uses other than single-family houses may be excluded from this calculation.

The Land Use Code also provides some other exceptions to the minimum lot area requirement for single-family zones. For example, the code provides limited exceptions for lots that have been reduced as a result of adverse possession claims or dedications for streets.

To qualify for any of the exceptions, a parcel needs to have a lot area that’s at least 2,500 square feet. Parcels that meet one of the exceptions that contain a designated environmental critical area or its buffer must have sufficient area to develop the lot without disturbing the environmental critical area to qualify.

For further details about these lot area exceptions, please refer to Seattle Municipal Code Section 23.44.010.B.

What is a Legal Building Site Letter?

A Legal Building Site Letter is an opinion letter from the Seattle Department of Construction and Inspections (SDCI) about whether an undersized lot meets one of the lot area exceptions in the Land Use Code. SDCI staff research and review the documentation—including but not limited to platting records, issued building permits, historic deeds, and real estate abstracts--related to the site and the abutting lots. SDCI staff will write an opinion letter based on the information available. A Legal Building Site Letter is not a formal decision. It does not authorize any development and it is not subject to appeal. It is merely intended to provide helpful information based on research and analysis by SDCI staff.

Who can request a Legal Building Site Letter?

Anyone may request a Legal Site Letter regarding any property in Seattle. In some circumstances, SDCI may require a Legal Building Site Letter before accepting a permit application for an undersized lot.

What public notice is provided when a Legal Building Site Letter is requested?

Legal Building Site Letters are not subject to the public notice requirements of the Land Use Code (SMC 23.76). We assign each Legal Building Site Letter request a unique project number and can be looked up online by project number, address, or parcel number at www.seattle.gov/sdci/resources. You can also search permit activity by neighborhoods to see active requests for Legal Building Site Letters as well as other permitting actions.

How do I request a Legal Building Site Letter?

1. Apply for the Legal Building Site Letter through the Seattle Services Portal at <https://cosaccela.seattle.gov/>
2. Complete our Request for Land Use Analysis Letter form (www.seattle.gov/sdci/permits/forms) which should include a detailed description of the request for legal building site, the related code section(s), and project(s) if applicable
3. Complete our Statement of Financial Responsibility/ Agent Authorization form (www.seattle.gov/sdci/permits/forms)
4. Provide an analysis of the property including legal description and any reasons you think the property should qualify as a separate site
5. Provide available historic permit records and plans
6. Provide available permit history
7. Provide a survey of the site(s) in question
8. Pay the initial fee when you submit your request

Your request should clearly identify the property you are inquiring about. You must submit the documents listed above with your request.

How long does it take for SDCI to prepare a Legal Building Site Letter?

Legal Building Site Letters typically take us four weeks to prepare. We may need additional time in cases requiring complex research or analysis, or in cases where we need additional information from you. If we are aware of a need for a quicker letter, for example due to an impending closing or contractual deadline, we do our best to meet your needs.

How much does a Legal Building Site Letter cost?

The initial fee for a Legal Building Site Letter is 4 times the hourly rate set for land use review under the fee ordinance. In most cases that initial fee is sufficient. However, if we need more than 4 hours of research and analysis to prepare your letter, we charge that additional time at the hourly rate. (See the Fee Subtitle at [www.seattle.gov/sdci/codes/codes-we-enforce-\(a-z\)/fees](http://www.seattle.gov/sdci/codes/codes-we-enforce-(a-z)/fees) for more information.)

How can I get more information?

For additional information on single-family zoned lots, please refer to the Land Use Code, Section SMC 23.44.010.

Review our webpage on Opinion Letters at www.seattle.gov/sdci/resources/opinion-letters.

If you have additional questions after reviewing this Tip, please submit a Land Use Question at <http://web6.seattle.gov/dpd/LUQnA/?Type=1>.

Access to Information

Links to electronic versions of our **Tips, Director's Rules**, and the **Seattle Municipal Code** are available on our website at www.seattle.gov/sdci. Paper copies of these documents, as well as additional regulations mentioned in this Tip, are available from our Public Resource Center, located on the 20th floor of Seattle Municipal Tower at 700 Fifth Ave. in downtown Seattle, (206) 684-8467.