Legislative Department
Seattle City Council
Memorandum

Date: April 22, 2010
From: Councilmember Sally J. Clark
Subject: Updates to Seattle Municipal Code Section 23.45, Lowrise zones

Introduction

I am pleased to be sponsoring legislation to update Seattle's Lowrise (LR) multifamily zones. The City's Multifamily Lowrise zones comprise approximately nine percent (3,780 acres) of the total area of the city, excluding parks and streets. Lowrise zones are intended to accommodate lower-scaled multifamily development, including single family homes, townhouses, and apartments. The City last made significant updates to this chapter of the code in 1989. While the 1989 amendments made many improvements, they also resulted in unforeseen problems in these zones.

The current update to the Lowrise zones is the second step in a two part process to update the City's multifamily code. The City Council began its review of multifamily zoning amendments recommended by the Executive in March, 2009. In September 2009, we split the proposal into two parts. This allowed the Council to spend additional time evaluating the Lowrise zone proposal. In December 2009, the Council adopted Ordinance 123209, which made significant changes to the City's Midrise and Highrise multifamily zones. We are now turning our attention back to the Lowrise zones.

In February, 2010, the Committee on the Built Environment (COBE) agreed on a schedule for completing the work on Lowrise zones, as shown below. The schedule anticipates approval of the legislation in July, 2010 (dates subject to change).

Updated Schedule for Council Review of Lowrise multifamily zones

Action	Date (all in 2010)
COBE provides direction to staff on proposed approach.	February-April
Publish draft LR zone legislation, notice of COBE public hearing, and the environmental review (SEPA) determination.	April 22
Public hearing at COBE on draft LR zone legislation.	May 25
Introduce LR zone legislation after making revisions based on public comment.	June 7
Further COBE review of LR zone legislation.	June 9 and 23, and July 14
COBE votes on LR zone legislation.	June 23 or July 14
Council vote on LR zone legislation.	June 28 or July 19

Problems with current Lowrise multifamily zones

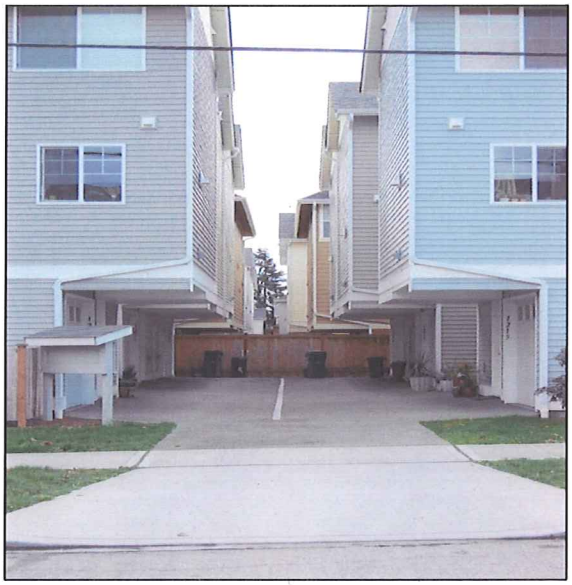
The 1989 Lowrise code changes reduced the development potential in Lowrise zones by lowering the height limits, adding density limits, and setting stricter and sometimes duplicative standards. One result was to discourage the construction of apartment buildings in Lowrise zones, which have become de facto townhouse zones. For example, over the past five years, townhouses have made up more than 75 percent of the development in Lowrise zones.

Apartment construction, whether for ownership or rent, has moved to commercial and downtown zones. While housing adds to the vitality of these areas, these mixed use areas are not attractive to all households looking for multifamily units. Many people would prefer to live in a residential zone that is close to services, but located away from busy arterials and commercial uses. In particular, families with children may want to locate in Lowrise multifamily zones but cannot afford a townhouse unit. We need to look for ways to provide a greater variety of housing types in our Lowrise multifamily zones.

The fact that townhouses are currently the predominant housing type in Lowrise zones has exacerbated another impact of the 1989 code revisions—the proliferation of auto-oriented townhouse development. This is a housing form unique to Seattle, and while it has brought some benefits, including the creation of entry level housing for first time home buyers, it has also created many problems.

Auto-oriented townhouse developments highlight many of the problems created by the existing code. So much of the lot is given over to maneuvering a car that it reduces the livability of the units. The code currently requires each townhouse unit to have a private open space area. As shown in the photo on the left, this requirement results in small, unusable yards commonly called "cattle pens". The requirement for private space has also lead to monotonous fencing creating virtual walls along the street, as seen in the photograph on the right. If more room was available for people and not cars, the quality of design would improve.

This picture illustrates the problems created when townhouses are built around a street-facing automobile court. Existing development standards allow significant portions of townhouses to overhang and dominate the space. Autocourts designed for parking and access have resulted in paving most of the lot, leaving little space for use by residents. It can also be difficult to maneuver a large car in these spaces, so residents cannot use their garages. This requires residents to park on the street, which can add to parking congestion. The visual impacts to the street are clear.



We can do better.

Goals of the draft Council Proposal

As part of our review of the Lowrise zones, last fall we engaged three groups of architects and designers to show us what types of buildings former Mayor Nickels' proposal would create, in both the best and worst cases. The results were very informative.

We believe that the current proposal for the Lowrise zones addresses both the problems with the current zoning presented above, and those in the former Mayor's proposal that were identified last fall. In order to address these problems, the Committee has set the following goals for the proposed amendments to the Lowrise multifamily zones:

- Encourage well-designed buildings that fit in with established neighborhoods;
- Foster creative design solutions without adding unnecessarily to the cost of building new housing;
- Generally maintain the current overall scale and density of Lowrise zones;
- Support Comprehensive and Neighborhood Plan objectives;
- Promote sustainable development;
- Encourage a variety of housing types that provide choices for a growing and changing population;
- Respond to special locational characteristics, including "growth areas" (urban centers and villages, light rail station areas), and areas adjacent to single family zones; and
- Update and organize regulations so they are easier to use and understand.

Highlights of draft Committee proposal

The highlights of the draft Committee proposal are summarized below. While most amendments would apply only in Lowrise zones, there are three changes that would apply to most areas of the City, as noted in items 8, 9 and 10 below. For specific details and to obtain a copy of staff memorandum for each COBE meeting date, you can access this information through my website - http://seattle.gov/council/clark/2009townhomes-mcuvideos.htm. The website provides a summary of the issues addressed at each meeting and includes a video link so that you can watch and listen to the Committee's discussions.

1. Combine five Lowrise zone categories into three.

The proposed legislation would consolidate the current Lowrise zones from five to three. This would simplify the code while providing housing opportunities for multifamily zoned neighborhoods. The table below shows how the Lowrise zones are proposed to be combined and the type of housing each new zone is designed to accommodate:

Current Zone	Proposed Zone	Function of Proposed New Lowrise Zone
Lowrise Duplex Triplex (LDT) (318 acres) Lowrise 1 (L1) outside growth areas (507 acres)	Lowrise 1 (LR1) 825 acres; 20% of multifamily zoned area*	• Highly compatible with single family zones • Most appropriate for areas next to single family zones • Provides a transition from single family zones to areas with higher densities • Usually located outside of growth areas
Lowrise 1 (L1) inside growth areas (242 acres) Lowrise 2 (L2) (882 acres)	Lowrise 2 (LR2) 1,124 acres 27% of multifamily zoned area*	• Accommodates higher density than LR1, within the same height limit • Provides a transition between single family and LR1 zones, and zones of greater intensity • Most appropriate for areas in or near growth areas, and areas well served by transit
Lowrise 3 (L3) (1,619 acres) Lowrise 4 (L4) (211 acres)	Lowrise 3 (LR3) 1,830 acres 44% of multifamily zoned area*	• Highest density Lowrise zone • Allows greater height than LR1 and LR2 zones • Provides transition between residential and commercial zones • Most appropriate within growth areas and areas well served by transit

*the total multifamily zoned area is 4,131 acres and excludes zones with a Major Institution Overlay

2. Regulate by housing type.

The proposal defines five housing types that are appropriate for Lowrise zones, and tailors the development standards for each type, rather than using the current generic standards that distinguish only between "ground-related" and "non-ground-related" building types. The housing types that are regulated in the proposed legislation are illustrated below.

Cottage housing development

These developments accommodate between four and twelve small single-family style houses, arranged around a shared open space. Each house is limited to 950 square feet and 18 feet in height, with allowances for pitched roofs. Cottage housing is most appropriate for the proposed Lowrise 1 zone, although this type of development would be permitted in all Lowrise zones.

Rowhouse

Rowhouse development consists of individual units that are attached along a side wall. They occupy space from the ground to the roof—no unit is stacked on top of another. Unlike townhouses, the front of every unit faces the street, each unit provides access directly to the street, and there are no intervening structures between a rowhouse unit and the street.

Townhouses

A townhouse development consists of individual units that are attached along at least one common wall to at least one other dwelling unit. They occupy space from the ground to the roof—no unit is stacked on top of another. Townhouse developments often include more than one structure on the lot, with multiple units per structure.

Townhouses, Autocourt

An autocourt townhouse is a type of townhouse in which the units are clustered in separate structures, and a majority of the units have private garages located at ground level, accessed by an unenclosed driveway that separates the structures on the lot and creates a common paved autocourt.

Apartments

An apartment is a multifamily residential use that is not a rowhouse or a townhouse. Apartments typically have a common main entry with corridors leading to individual units, with units organized on multiple floors stacked on top of each other. Apartment units may either be for rental or sale, but the City does not have regulations concerning ownership.

Single family houses will continue to be permitted in Lowrise zones. As an incentive to retain and preserve single family structures, single family structures built before 1982 that are retained and included in a new development would not be counted in total allowed Floor Area Ratio (FAR).

3. Height Limits.

The proposal would increase the height limit from 25 feet to 30 feet in the proposed LR1 and LR2 zones (the height limit for cottage housing would remain at 18 feet). This would restore the 30 foot height limit in these zones that existed prior to the 1989 multifamily code amendments. Thirty feet is also the height limit allowed in single family zones. While buildings will still be limited to three stories, the additional five feet will help provide greater design flexibility and more livable units with higher ceilings.

The current L3 zone has height limit of 30 feet, and the current L4 zone has a height limit of 37 feet. The proposed height for the combined LR3 zone would be 30 feet, except that in growth areas, apartments would have a 40 foot height limit. This would help encourage apartment development in areas that are intended for more growth by allowing a fourth story for this housing type. The proposed heights are shown below.

Housing type	LR1, LR2, and LR3 zones outside growth areas	LR3 zones inside growth areas
Cottage Housing	18'	18'
Rowhouses and townhouses	30'	30'
Apartments	30'	40'

Height exceptions that encourage pitched roofs would continue to apply. A new height exception that would permit up to four additional feet for a partially buried first floor would be added for apartments in LR2 zones and all housing types in LR3 zones. This would provide more privacy when individual units are on the first floor. It would also make it easier to provide underground parking. Existing allowances for rooftop features like stair and elevator penthouses would remain.

4. Use Floor Area Ratio (FAR) limits and density limits to control building size.

The draft proposal would use FAR limits to regulate the structure size. FAR is the ratio of the gross floor area in a building to the total land area of the lot on which it is built. FAR has been used in downtown and industrial zones for over 40 years. The Council added FAR limits to commercial zones in 2006 and to MR and HR zones in 2009. FAR limits do not determine the shape of a structure, only how many square feet it contains.

FAR limits can be specifically tailored to the zone and building types. The proposed Lowrise zone FAR limits would include a provision to allow additional area for better building design. The base FAR would be set similar to what can be built under current zoning. A 10 percent increase in FAR would be allowed for structures that provide alternatives to autocourts, that provide more open space at ground level than would otherwise be required, and that use "green" building practices. Apartments in LR3 zones would also be permitted greater FAR inside of growth areas. Such tailoring of the standards is not possible under the current regulations. To ensure that some controls are retained on structure size, structure width and depth limits would be applied for townhouses and apartments in all Lowrise zones.

5. Density Limits.

Multifamily zones comprise approximately ten percent (4,131 acres) of the total area of the city (excluding city-owned open space and rights-of-way). Of that area, approximately 91 percent (3,780 acres) is devoted to Lowrise zones. Lowrise zones are intended to accommodate lower-scaled multifamily development ranging from single family homes to townhouses to apartments.

The existing Lowrise density limits were designed to allow about 35,300 additional dwelling units on lots that could be redeveloped. However, this goal has not been met. We estimate that the Lowrise zones can only accommodate around 26,800 new units, due to the combination of our existing density standards and structure development standards (lot coverage, structure width and depth limits). This is about 24% less than what these zones were envisioned and designed to accommodate. We want to fix this.

To control growth in Lowrise zones, the proposal will retain similar density limits. However, density limits would be set on housing type and design and not zones. For example, rowhouses would not have a density limit to enhance the attractiveness of this housing type over conventional auto-oriented townhouses. Since the principal characteristic of rowhouse development is individual units with frontage on the street, the actual density of this housing type is limited by lot width and the practical width of the individual rowhouse unit. Autocourt townhouses would have a lower density than townhouses without an autocourt.

Density limits are also proposed to reward better building designs. In LR2 and LR3 zones, apartments and townhouses that provide underground parking, use the alley for access, and greater open space at ground level, would not have density limits. The proposed density limits, combined with our proposals on FAR, should allow up to around 39,000 units, or about a 10% increase in capacity.

6. Design standards for all structure types.

The draft proposal includes general design standards for all multifamily structures even when the project is not subject to the City's design review program. The intent of adopting basic design standards for multifamily development is to:

- Improve the appearance of multifamily buildings when seen from the street;
- Foster a sense of community by better integrating new development into existing neighborhoods; and
- Promote livability in multifamily areas through a greater sense of openness and access to light and air.

Each of the proposed structure types (cottage housing, rowhouse, townhouse, auto-oriented townhouse and apartment) would be required to provide design features that are unique to each building type. For example, basic design standards for rowhouses would encourage architectural elements that visually identify each dwelling unit, such as trim, molding, massing, and variation in color and materials.

In fall 2009, then-Mayor Nickels proposed that administrative design review (ADR) be required for any townhouse structure with more than three units. ADR is conducted by staff from the Department of Planning and Development (DPD) rather than the City's design review boards. The Committee has not yet taken a position on whether the design review program should be expanded to include more projects. We look forward to hearing from the public whether the process should be expanded in this way, or whether the design standards proposed in the Code would be adequate to address design concerns.

7. Other multifamily development standards.

a. Setbacks

Setbacks from front, side and rear property lines are required for all structures in Lowrise zones. Current front setback standards range between a minimum of 5 feet and a maximum of 20 feet, depending on the zone, and can be adjusted according to averaging of the setbacks of adjacent structures. Side setbacks start at five feet and increase based on wall length and building height. Rear setbacks are established based at either a minimum distance or as a percentage of lot depth depending on lot dimensions, up to a limit of between 15 and 25 feet.

The proposed Lowrise setback standards would generally reduce the requirements to a minimum 5 foot front, side and rear setback for most housing types. No side setbacks would be required for rowhouses, as they are intended to be continuous along the street. Reducing property line setbacks provides greater flexibility to locate the structures on the site. It also provides additional opportunity when automobiles need to be accommodated and to tailor outdoor areas for each housing type. These changes will also simplify the existing complex setback standards that are based on the zone and not by structure types.

b. Alley access allowed

The Land Use Code currently regulates access to parking in Lowrise zones, based on the following goals:

- Minimize conflicts between cars and pedestrians on the sidewalk;
- Avoid traffic hazards;
- Preserve on-street parking spaces; and
- Protect lower density residential zones from the impacts of higher intensity development.

Since 1982, the Lowrise zone regulations governing automobile access have emphasized protecting lower density residential zones at the expense of minimizing conflicts between cars and pedestrians and preserving on-street parking. The goal of improving the streetscape and building design by accessing parking from the alley was not considered.

If we have improved alleys, we should figure out ways to use them.

The update would lift most of the code's current prohibitions to using alleys for access in Lowrise zones. Alley access would still be required unless grade changes prevent access from the alley to the lot. Limitations would also be lifted that prevent the use of an alley when a Lowrise zoned site is across an alley from a single family zone. Impacts from additional traffic along an alley with these conditions are balanced when considering the effect of required rear property line setbacks. In cases where additional FAR is sought, paved alley improvement to a nearby street would be required.

The Council removed similar limitations from the Midrise and Highrise multifamily zone regulations last year.

c. Replace open space standards for residential amenity standards

The Land Use Code currently requires open space for multifamily uses that is set either as a percentage of a lot size (apartments), by minimum square feet per unit (ground-related housing), or a combination of both. The specific amounts and location of the open space vary by zone and housing type.

The proposed Lowrise code revisions would replace these standards with a new requirement for a residential amenity area that is set at 10 percent of the total building area in residential use. A second method would establish a per unit size for apartments that are not subject to a density limit. Establishing a minimum area based on the percentage of a building's gross floor area was also used in the 2009 Midrise and Highrise update.

In both cases, the area requirements would be flexible enough to allow a developer to tailor the type of amenity space (decks, balconies, rooftop areas and ground level common areas) to the expected market and the type of housing. A minimum area of 250 square feet would be required for all Lowrise developments except Cottage housing, which will continue to have specific standards for common and individual areas. When apartments are allowed to gain FAR, the area requirements change in proportion to the number of units.

d. Replace landscape requirements with Green Factor.

Landscaping requirements in Lowrise zones are currently required based on an area that is the perimeter of a lot, multiplied by three. The code also sets forth specific tree planting or retention requirements and requires the planting of street trees in the sidewalk planting strip. Other shrub and ground cover plantings are allowed by a separate Director's rule.

We want to update these existing landscaping requirements with the City's Green Factor landscaping requirement. The Green Factor was first adopted in commercial zones in 2006 and was adopted in the 2009 Midrise and Highrise code update. The Green Factor uses a "menu" approach to landscaping that improves the amount and quality of urban landscaping while allowing increased flexibility for property owners. This includes improvements that favor tree preservation, place vegetation visible to pedestrians, encourage planting of trees that have large canopies and support the use of native or drought-tolerant plants.

8. Eliminate minimum parking requirements for multifamily uses in urban villages.

In 2006, the Council eliminated minimum parking requirements for commercial and residential zones in urban centers and station area overlay zones. These areas generally have excellent transit service and provide services within easy walking distance of most housing units. With the 2009 update to the Midrise and Highrise zones, required parking was also eliminated for multifamily housing in station areas and all urban centers except Northgate, which has a special overlay zone.

The proposed legislation would eliminate the current minimum parking requirement in both multifamily and commercial zones in an urban village for lots located within ¼ mile (1,320 feet) of a transit stop with frequent transit service[1]. Of the 24 urban villages outside of urban centers, 21 would fully or partially meet the proposed standard for frequent transit service. Three urban villages[2] do not currently meet this standard. In five urban villages[3] some multi-family or commercially zoned land is outside the ¼ mile distance from frequent transit service.

Since the 2006 code changes, we have found that developers still provide parking, but at a reduced rate of approximately 0.65. to 0.75 spaces per unit. For the typical townhouse or rowhouse development, it is likely that the current minimum of one space per dwelling unit will be provided. As with large mixed use developments in commercial zones, larger apartment buildings in these urban villages may reduce the number of parking spaces to a similar ratio as found in urban centers and station area overlay districts. This will help lower the cost of housing and allow the flexibility for developers to tailor the parking they provide to the unit type, size, and target market.

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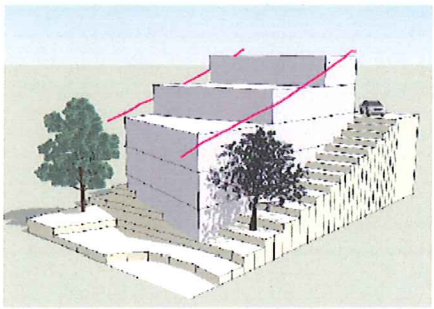
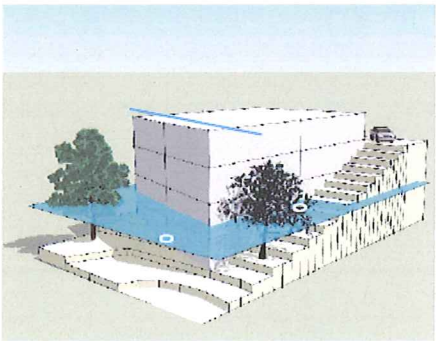
[1] Frequent transit service means headways of 15 minutes or less for at least 12 hours per day, 6 days per week, and 30 minutes or less for at least 18 hours every day.
[2] Lake City, South Park, and Admiral
[3] Ballard, West Seattle Junction, Rainier Beach, MLK@ Holly Street, and Bitter Lake

9. Change the method for determining building height.

The Land Use code currently requires building height to be measured using a site survey set at two foot intervals. This requirement applies to most areas of Seattle. It is a complex method that requires a different set of measurements than the Building Code, which uses an averaging method based on the elevation at the side of a building. To make this process simpler and more consistent, we are recommending replacing the current method, which shown in the drawing on the left, with the method used in shoreline areas, as shown on the right. The existing method requires that a building follow the slope. The existing method also has additional provisions in steep slopes. The height limit is essentially a sloping plane parallel to the grade. The shoreline method is the most similar to the Building Code.





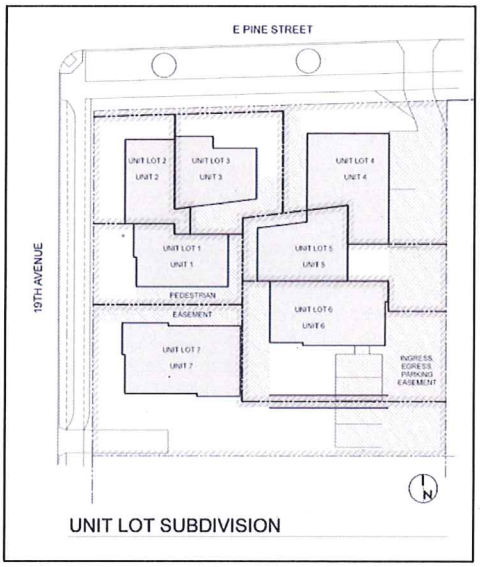
The shoreline method has several advantages. The shoreline method only requires pinpoint grades where the structure sits on the lot, which lowers survey costs. It mirrors the Building Code method, thereby reducing the time needed to prepare building plans. The shoreline method is required by the State for structures within the shoreline because it helps protect views; this should benefit up-hill neighboring properties City-wide. There are few downsides to using the shoreline method City-wide. It may reduce the number of buildings that "step down" a sloping lot, as is required under the existing height measurement technique. In addition, the shoreline method might contribute to view blockage across a slope. However, we believe that there are more benefits to switching to this way of measuring heights with minimal impacts on property owners.

10. Revise standards for solid waste and recycling.

The proposed changes to the Lowrise zoning include an update to the standards for storage areas for solid waste containers which would apply citywide. Because the City has expanded service to pick up garbage, recycling, and "clean green" waste separately, more space is needed to store the containers. The proposed regulations would increase the area devoted to containers and reduce the minimum number of dwelling units required to provide these storage space for them, both on the site and when they are set out to be picked up. This should improve how new developments incorporate these features, and lessen impacts on the right-of-way and neighboring properties.

11. Unit Lot subdivisions.

The Committee is still considering how to approach the issue of unit lot subdivisions. The unit lot subdivision process, which was adopted in 1994, is a way to plat new lots in multifamily zones for townhouses and cottage housing developments. The process can also be used for cluster developments in Single Family, Residential Small Lot and LR zones, and for single family dwelling units in LR zones.



As shown in this graphic, a unit lot subdivision allows the original lot (called the "parent lot") to be subdivided if *as a whole* the development meets Code standards, even though the development on the unit lots that are created does not. This allows parking to be on an adjacent unit lot. However, open space is required at each unit lot. Access easements and joint use and maintenance agreements provide for common garages or parking areas, common open space, and other similar features.

Unit lot subdivisions are popular with developers, as they allow the creation of lots that can be sold individually on a "fee simple" basis, instead of requiring formation of a condominium. Fee simple ownership is generally preferred by home buyers, as it makes it easier for a developer to finance a project, and reduces developer insurance and liability costs. However, the use of unit lot subdivisions has raised four specific concerns:

- The lack of consumer protection mechanisms that ensure long-term financial agreements for structure maintenance similar to those required under condominium law. For example, there are no requirements for a maintenance fund to replace a roof that covers three attached units.
- In the future, it may be very difficult to rebuild a structure on a unit lot, due to interconnected structural systems;
- Creating substandard, or "nonconforming" developments that may limit individual owners ability to make future structure improvements; and
- When unit lots are created a public notice is required. However, the notice happens after the units are under construction. This is usually the first time that neighbors have to comment, and they are often frustrated because they are not able to comment on the building itself.

We are currently reviewing how other jurisdictions balance these issues. We expect that COBE will receive specific briefings and consider specific amendments in June or July, to be included with this legislation.

12. General code cleanup.

When tackling this update, we found that our existing Lowrise code sections had a variety of problems ranging from grammatical errors to incorrect citations. We normally fix such problems in our yearly 'omnibus' legislation. We decided to tackle some of these "code fixes" here. The following issue is one such minor correction.

In the current Lowrise code update we intend to update the existing rezone criteria to emphasize the opportunity for new growth that the City's comprehensive plan anticipates and that the city's urban villages and urban centers are designed to accommodate.The urban village and urban center concepts were first introduced with the 1994 Comprehensive Plan. At that time, criteria governing L3 and L4 zones were adopted that made it easier to consider what future development would look like in these zones instead of placing emphasis on "compatible density and scale" - that being existing development. This made rezoning to these zones in urban villages and urban centers less restrictive.

Several years after this, when neighborhood plans were being developed, six[4] of the 37 neighborhoods developing these plans added goals that had the effect of eliminating new L3 and L4 zones in their respective planning areas. In 2004, a significant update to the Comprehensive Plan occurred that removed the "compatible density and scale" clause but left the references to the six urban villages. Unfortunately, we did not go back and correct the code section listing the six urban villages. We intend to fix this error in this bill.

Next steps

As of April 22, 2010 the draft legislation is available for public review and comment. A copy of the ordinance and the related environmental (SEPA) determination will be available on my website and DPD's website:

http://www.seattle.gov/DPD/Planning/Multifamily_Code_Update/Overview/.

We will also be holding a public hearing to hear your comments. This public hearing is scheduled for May 25, 2010 at 5:30 pm in City Council chambers, Seattle City Hall, 600 – 4th Avenue, 2nd Floor, Seattle, WA 98102.

Notice of the meeting will continue to be provided on my website page devoted the Lowrise code update: http://seattle.gov/council/clark/2009townhomes.htm. For more information you can also contact Dan Nolte, my legislative aide. He can be reached by email at Dan.Nolte@seattle.gov or by telephone at 206-684-5327.

After the public hearing, we hope to introduce the formal legislation in June. We expect that this legislation will reflect both public comment and ongoing COBE review.

We look forward to your comments and participation in this important issue.

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[4] Wallingford, Eastlake, Upper Queen Anne, Morgan Junction, Lake City, Bitter Lake and Admiral.