



# City of Seattle

## Department of Planning and Development

Diane M. Sugimura, Director

March 7, 2013

To: Councilmember Richard Conlin, Chair  
Planning, Land Use and Sustainability (PLUS) Committee

From: Andy McKim, Land Use Planner – Supervisor  
Mike Podowski, Land Use Policy Manager

RE: Small Lot Development in Single-family Zones

### **Background**

In response to concerns voiced by residents of single-family neighborhoods that certain developments on undersized lots in single-family zones were incompatible with their surroundings, the City adopted Ordinance No. 123978 in September 2012, as an emergency measure. That ordinance included interim standards limiting the applicability of certain codified lot area exceptions, and limiting the height of homes on certain undersized lots that continued to qualify for separate development. The ordinance commits to development of permanent development regulations to replace the interim standards. Under the timetable in Ordinance No. 123978, the goal is for the permanent regulations to take effect in August or September of 2013.

### **Preliminary Recommendations**

DPD has met with neighborhood and developer groups and held a public meeting. After considering policy options and public feedback, DPD has the following preliminary recommendations for permanent regulations:

- 1. Set a uniform absolute minimum lot area of 2,000 square feet, to apply to lots qualifying under all lot area exceptions.**
  - Under the interim standards, lots qualifying for an exception based on pre-1957 records, such as historic plats or deeds, had to have an area of at least 2,500 square feet. Different absolute minimums apply to other exceptions, such as lots reduced by street condemnation, or lots resulting from two-house/one-lot short plats. The proposed regulation would make this uniform.
  - Although 2,000 square feet is smaller than currently allowed under some exceptions, this is proposed in conjunction with more proportionate height limits that would apply to very small lots.
  - This measure would advance the objectives of providing consistency and predictability while preserving the opportunity for infill development.

**2. Limit structure height permitted outright on lots under 3,200 square feet in area to 18 feet, plus a five-foot pitched roof.**

- Under the interim standards, structures on lots under 3,750 square feet in area were limited to 22 feet in height plus a five-foot pitched roof. This proposal reduces the upper limit of the lot area range from 3,750 to 3,200 square feet in light of the fact that the projects that have generated the most concern generally have been on lots that were 3,200 square feet or less in area. The base height limit is proposed to be reduced from 22 feet to 18 feet, consistent with what is allowed for cottage housing in RSL and Lowrise zones.
- This proposed height limit would be applied uniformly to lots within the size range qualifying under any lot area exception. **It would also apply to additions to existing houses on lots less than 3,200 square feet in area.** The interim standards were not applied to additions to existing houses, and DPD has received a number of applications for “additions” that were much larger than the existing house and left little of the existing house.
- For purposes of this standard, if a lot is irregularly-shaped, only the area of the largest rectangle within the lot is considered. This addresses the practice of adjusting lot lines to create extensions to achieve greater lot area and avoid the lower height limits.

**3. Allow additional height on lots under 3,200 square feet in area as a special exception, a Type II decision.**

- This process allows consideration of impacts of a specific proposal, and conditioning to address those impacts.
- This process provides public notice, and an opportunity for neighborhood input, and appeal to the Seattle Hearing Examiner.
- This approach balances development opportunity with neighbor concerns about notice and opportunity to comment.

**4. Limit the ability for multiple, abutting undersized lots to qualify for separate development under the exception provided for lots established by pre-1957 records.**

Multiple lots under common ownership with an average area of less than 3,200 square feet would have to be consolidated rather than qualifying for separate development.

**5. Continue the limitation established under the interim ordinance, not allowing undersized lots to qualify for a lot area exception based on historic tax records, and also disallow qualification based on mortgage records.**

This provides more predictability for neighbors, and avoids separate development on lots never intended for that purpose.

**6. Alternative to the 75/80 Rule**

In its analysis, DPD will also consider a proposal by Smart Growth Seattle to modify the “75/80 Rule.” This is a lot area exception allowing undersized lots to be developed (both for historic lots and the creation of new lots through a subdivision process) if they have an area at least 75 percent of the area generally required in the zone and at least 80 percent of the mean area of

the lots on the block. Smart Growth Seattle has proposed that the first part of the test be eliminated, and that an exception be provided allowing separate development of a lot if its area is at least 80 percent of the mean area of the lots on the block. If this amendment is entertained, DPD proposes consideration of some limitations, such as:

- Requiring that resulting lots have an area of at least 2,000 square feet (the absolute minimum lot size described in #1).
- Not allowing lots to qualify for the exception as a result of demolition of existing houses.
- Possibly limiting the application of the exception to lots in urban centers, or lots where frequent transit is available.
- Requiring that application of this standard for the creation of new lots be permitted as a process that allows for public notice and an opportunity to appeal (Type II decision).

**7. A number of other minor amendments are also contemplated, including:**

- Addition of a structure depth limit of no more than twice the lot width for lots under 3,200 square feet in area.
- Allowing large nonresidential properties such as institutions to be excluded from calculation of the mean area of lots on a block front for purposes of the 75/80 Rule.
- Allowing a lot boundary adjustment between lots, where one or more of the lots qualifies for a lot area exception, if the resulting lots become closer to equal in area.
- Amendment of two-house/one-lot short subdivision provisions to require that resulting lots comply with new platting standards, such as the standard limiting new lots to six sides, where possible.
- Modification to “front yard” definition to require that areas close enough to the street to be in the front yard but separated from the street by an intervening portion of a neighboring lot be included in the front yard.
- Allowing discretion to DPD to designate the front lot line of a lot, and determine yards accordingly, in cases where the front yard would otherwise have an area less than 1,000 square feet and less than 20 percent of the lot area.
- Simplification and clarification of code language in lot area exceptions, platting standards, definitions and measurement provisions.

**Closing**

These proposals are intended to allow reasonable infill development opportunities on undersized lots in single-family neighborhoods while providing predictability to neighbors about what may be built in their area, and helping to ensure that what is built on these lots is compatible with the surroundings.

Thank you for considering this information. We are available to answer any questions you may have.