



# City of Seattle

## Seattle Planning Commission

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Barbara Wilson,  
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Demographer &  
Senior Policy Analyst

July 7, 2009

Honorable Councilmember Sally J. Clark  
Chair, Planning, Land Use and Neighborhoods Committee  
Seattle City Council  
PO Box 34025  
Seattle, WA 98124-4025

### **Re: Comments on the Proposed Multifamily Code Update**

Dear Councilmember Clark,

The Commission has long been a strong advocate for updating the multifamily code. We believe that the goals for the update as outlined by the Executive are sound and represent important points to consider. The project goals outlined by the Executive are:

- Help create high quality multifamily neighborhoods through development flexibility;
- Encourage new investment in a variety of housing types and affordability levels;
- Make the code easier to use and complement the Mayor's Neighborhood Business District Strategy and amendments to neighborhood commercial zoning; and
- Support Comprehensive Plan and neighborhood plan objectives.

### **Overall Comments**

#### **Prioritize the Myriad of Expectations for Multifamily Zones**

While only 10% of city land is zoned Multifamily, more than 11,000 new units have been built in these zones since 1995 and accounts for approximately 37% of all new housing construction during that time. In coming years, housing in Multifamily, Neighborhood Commercial, Seattle Mixed and Downtown zones will accommodate the majority of new households in the city.

Multifamily housing by its very nature creates denser and more compact neighborhoods that add significantly to sustainability and a reduced carbon footprint. Evidence abounds that this land use pattern positively affects personal transportation choices, supports public transit, and generally requires less energy per unit to build and maintain a single family dwelling. In other words, it's easier to reduce energy, stormwater and transportation impacts when people live in dense, compact neighborhoods.

Compact development also allows for more efficient provision of municipal services. In addition, Multifamily zones generally offer more opportunities for a wider variety

of housing types and for a broad range of household incomes. Multifamily zones will continue to provide important housing choices for Seattle's residents. As such, increased density should be supported with amenities and investment in infrastructure. This workhorse zone is vitally important to achieving the city's many goals. Trying to achieve all of the desired goals, objectives and expectations will likely require tradeoffs. Prioritizing what is important will help to create a more appropriate Multifamily Code.

### **Be Bolder**

We would like to recognize City staff's hard work to make some very positive improvements to the Multifamily Code. It is our position that the City Council should revise specific details of the proposed legislation before adopting it in order to better achieve the project goals.

We acknowledge that the Planning, Land Use and Neighborhoods Committee (PLUNC) has asked the Commission to make specific suggestions in that regard and we want to assure you that we are happy to work with you to provide our independent expertise as the committee reviews the proposal. We will provide some high level comments in this letter, and will follow up by responding to the issues identified in Council Central Staff's memo from June 8, 2009, regarding issue identification for Lowrise zones.

### **Specific Comments - Code Issues**

#### **Bulk Regulation**

- Go farther than the current proposal in order to make the code easier to use by getting rid of what we believe to be arbitrary and restrictive regulations. For example, with regard to building bulk, we agree that FAR is a preferred approach to help improve design because it provides more flexibility than prescriptive regulations for building bulk, such as setbacks, building width and depth limits, and lot coverage limits. We recommend that the bulk regulation be replaced with FAR as is done in other zones. This method has been very successful in the updated neighborhood commercial code regulations. We do not recommend that additional limits to building width and depth apply to lots larger than 9,000 square feet, as is currently proposed.
- PLUNC should continue to explore more flexibility in the side-yard setback requirements. We remain unconvinced that side-yard setbacks are necessary in all instances and may create unintended consequences like severely restricting the ability to create east coast style row houses.

#### **Height**

- Height limits in Multifamily zones should be restored to limits that were adopted in the 1980s when the low-rise zones were first created, specifically allowing three stories (30 feet) in LDT, L1 and L2, 3.5 stories (37 feet) in L3, and 4 stories in L4. As a matter of principle, height limits in Multifamily zones should not be lower than those allowed in single family zones. We believe that 25 foot height limits in LDT, L1 and L2 force the first story partially below grade, which makes it more difficult to have entrances at street level. We believe this height limit creates a disincentive for redevelopment and works in opposition to the goal of creating high quality multifamily neighborhoods through development flexibility.
- The method of height measurement creates many challenges and we believe there is a more rational way to measure height that is much less complicated than the current method. We recommend that a developer be allowed to opt for a simpler method of height measurement based on average grade, as is done downtown and in the shoreline district, or similar to height measurement under the building code.

### **Bonusable Height via Incentive Zoning for Affordable Housing**

- The proposal uses FAR limitations in L3, MR and HR as a method of implementing the incentive zoning for affordable housing. Although the Commission supports using incentive zoning as a way to further promote the City’s housing goals, we are unconvinced that this will yield the desired intent in the low-rise zone. The Commission suggests that other incentives programs for affordable housing be explored for the L3 zone. We do believe that affordable housing units can be derived in mid and high rise zones under this approach.
- Affordable units built as part of the incentive program should have a minimum unit size – or a percentage of the average unit size in the building – to ensure that more affordable units are oriented towards households with children, and to avoid creating an over abundance of small units.
- The sustainable building requirements should be carefully considered in low-rise zones in order to ensure housing affordability is not compromised and that the incentive for the extra floor area is truly an incentive. We recognize that sustainable building and affordable housing are not mutually exclusive and that many projects achieve both. Affordable energy efficient homes should be for all. This can be achieved if the incentive is carefully considered.
- Multifamily homes within the urban boundary are inherently more sustainable than single family homes constructed on formerly vacant land in suburban or rural areas. We recommend that Council consider a performance standard that addresses sustainability in a comprehensive manner including locational criteria.

### **Growth Management and Density**

- In order to address under-building (relative to the zoning capacity) in Multifamily zones to achieve growth management goals and increase the supply of affordable housing, we recommend that DPD and OH study the impacts of minimum density requirements in Multifamily zones especially in Urban Centers, Station Areas & L3 zones. We believe this will help achieve the goal of better supporting Comprehensive Plan and neighborhood plan objectives.

### **Parking Requirements**

- We firmly believe that parking is a housing affordability issue as well as sustainability issue. Structured parking typically costs between \$20,000 - \$30,000 per space to build, which can reduce the affordability of a project. Parking requirements can also significantly impact the design because parking location and access often shapes how the rest of the building is designed.
- The Planning Commission strongly supports the Executive’s proposal to eliminate residential parking requirements in urban centers and station areas, and reduce parking requirements in other areas (consistent with changes in commercial areas).
- We endorse the reduction to 1.0 parking stall per unit outside of urban centers and station areas. We agree with the analysis given in the Director’s Final Report – “While the figures vary slightly

from neighborhood to neighborhood, in no area does the average number of cars available per household in multifamily structures exceed one space.”<sup>1</sup>

- Where parking is voluntary, the minimum stall dimensions outlined in the code should be much more flexible. We recommend that Council consider amending *SMC 23.54.030 Parking space standards* to ensure they comply with public health, safety, and welfare requirements, parking space standards. We propose the following language:

On lots subject to this Code, ~~all~~ parking spaces required by Section 23.54.015, and required barrier-free parking, provided must shall meet the following standards. Parking provided in excess of the any required quantity shall comply with 23.54.030. D [Driveways], F [Curbcuts], and G [Sight Triangle].~~whether or not the spaces are required. by this Code.~~

### **Green Factor**

- The Green Factor is an interesting and innovative approach to help achieve sustainability goals. However, we think the 0.6 standard is too high and unrealistic to achieve on small projects. We believe the Green Factor should be scaled to the anticipated development density of each zone and that corner lots should be treated differently than others since corner lots have greater opportunity to provide landscaping in the right of way.
- The Green Factor requirement may be problematic in low- and mid-rise zones, as it may force a green roof to be built in order to achieve the required Green Factor. Green roofs generally require flat roofs, which are vulnerable to leakage. On wood-frame buildings, roof leakage is a significant risk to the structure. There also may be greater risk for earthquake damage due to the addition of mass at the highest level of the building. Additionally, the engineering and construction cost to meet the increased load demand and to meet earthquake code requirements could be significant.
- In addition, the Green Factor requirement may be problematic for home owners, as the onus is upon the owner to maintain the green amenities that came with their home. The landscaping solutions to meet the Green Factor may be more likely to deteriorate quickly as owners/residents may not properly maintain the landscaping to sustain its intended function. The City should track the units that implemented Green Factor landscaping and put into place mechanisms to ensure proper long-term maintenance.

### **Unit Lot Subdivision a.k.a. “Townhouses”**

Townhouses have been an important housing option within the city that is relatively more affordable than single family houses. However, we believe that townhouses can be designed to fit better into existing neighborhoods. Townhouses have been the dominate form of infill construction in Multifamily zones in recent years and have dominated the discussion about the proposed code changes. Most of the complaints are about design: the appearance of the buildings, impact on neighborhood character, and the parking courts. Overflow parking is also an issue for the neighborhoods. We are not convinced that the proposed regulations will achieve the goal of creating better designed townhouses. The Commission has discussed considerations for townhouses standards such as: minimum lot size or minimum right of way

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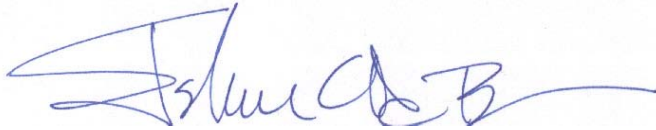
<sup>1</sup> Final Report and Recommendations for Amendments to the Multifamily Chapter of the Land Use Code page 35.

frontage; private open space in the front yard; entrances that are visible from the street; transparency requirements for fences along the right of way; parking court width requirements with some minimal landscaping and pedestrian paving plus maximum building overhang; modulation standards that could encourage bay windows; and Administrative Design Review for departures.

- An additional issue that should be taken into account is that sequential development under separate permits allows developers to skirt SEPA regulations and other threshold requirements.

The Commission supports the effort to update the Multifamily code and commends DPD staff for their work, which is a step in the right direction. As you review the proposal, we look forward to providing more detailed comments about the topics outlined above. Also feel free to contact the Commission for any clarification on any of these points through our Executive Director, Barbara Wilson at (206) 684-0431.

Sincerely,



Josh Brower, Chair  
Seattle Planning Commission

cc: Mayor Greg Nickels  
Seattle City Councilmembers  
Tim Ceis, Nathan Torgelson, Mayor's office  
Michael Jenkins, Council Central Staff  
Diane Sugimura, Ray Gastil, Mike Podowski, DPD  
Adrienne Quinn, Rick Hooper, Office of Housing

**SEATTLE PLANNING COMMISSION RECORD OF DISCLOSURE & RECUSAL:**

- Commissioner Benotto disclosed that her firm, Weber Thompson, works on projects in multifamily zones.
- Commissioner Brower disclosed that his firm, Tupper Mack Brower, represents clients who own multi-family properties in Seattle.
- Commissioner Kaplan disclosed that his firm, Martin Henry Kaplan Architects, designs projects in multifamily zones. He also disclosed that he is currently a candidate for the Seattle City Council.
- Commissioner Cutler disclosed that his firm, GGLO, works on projects in multifamily zones.
- Commissioner Roewe disclosed that his firm, VIA Architecture, works on projects in multifamily zones.