



Sally J. Clark
Seattle City Councilmember

To: Diane Sugimura
From: Council President Sally Clark
Date: October 18, 2013
Subject: **Fixing Lowrise zoning**

I am writing you to request that DPD work on correcting problems with a specific area of the otherwise excellent changes that we made to the Multifamily Code in 2010. Councilmember Conlin, chair of the Council's Planning, Land Use and Sustainability (PLUS) Committee, agrees that some unanticipated problems need to be addressed. We are interested in fixing these problems quickly, similar to the fast work that was done on the amendment we adopted this fall that lowered the height limit in Midrise zones located next to single family areas.

I recently met with some Capitol Hill residents who have been tracking new development in the LR3 zones in their neighborhood. The concern they raised that I find most compelling has to do with ways some developers are combining incentives and the new approach to measuring height. Bottom line - I never envisioned or intended that developers would be able to achieve five stories in LR3 zones. I think five stories is too big a change in height and scale for the LR3 zone.

I know that one deadly combination of height bonuses (the partially undergrounded floor plus a butterfly roof) will be cured via the omnibus bill that the PLUS Committee is now considering. I'd like to look further into making sure we don't leave open other methods of achieving five stories. This may involve looking at the existing height incentives, FAR exemptions and bonuses, and the height measurement approach.

In the past, when a new chapter of the Land Use Code was adopted, we have always needed "clean-up" amendments to address problems that were not apparent in the abstract. In this case, the recession delayed construction under the new code provisions, but I believe we now have enough experience and examples to make needed corrections. I understand that this issue is on your radar, but that you have not yet started serious work. I am requesting that this issue be given priority, and that legislation be submitted to the Council in the first quarter of 2014.

Thank you.

cc: Councilmember Richard Conlin



City of Seattle
Seattle Planning Commission

David Cutler and Amalia Leighton, Co-Chairs
Vanessa Murdock, Executive Director

MEMORANDUM

April 11, 2014

TO: Diane Sugimura, Director, Department of Planning & Development

FROM: Seattle Planning Commission

RE: **Commission Comments on Lowrise Multifamily Code Corrections**

CC: Mayor Ed Murray; Seattle City Councilmembers; Hyeok Kim, Andrea Riniker, Robert Feldstein, Kathy Nyland, Mayor's Office; Marshall Foster, Nathan Torgelson, Susan McLain, Mike Podowski, Geoff Wentlandt, DPD; Rebecca Herzfeld, Eric McConaghy, Lish Whitson, Council Central Staff

Dear Ms. Sugimura,

The Planning Commission has been briefed by Geoff Wentlandt and Mike Podowski on the Lowrise Multifamily Code Corrections work undertaken by the Department of Planning and Development (DPD) at the request of Councilmember Sally Clark. We understand that review and modification of this zone is intended to improve future development, and we appreciate being asked for our feedback on DPD's approach to modifying the zone.

As stewards of the Comprehensive Plan, we would like to highlight some of the broad considerations shaping our recommendations on the Lowrise Multifamily Code Corrections:

Development in Multifamily Lowrise zones helps the City meet the goals of the Growth Management Act. Seattle's Lowrise Multifamily zones play an important role in the city's

ability to welcome and retain a diverse combination of households with a spectrum of income levels. As noted in our recently released [Family-Sized Housing Action Agenda](#), Lowrise zones provide the greatest potential within Seattle for adding to the stock of affordable, family-sized housing.

Additionally, through reports such as [Seattle Transit Communities](#) and [Housing Seattle](#), the Planning Commission has an established history of supporting citywide policies that enable new development to contribute positively to neighborhoods and to facilitate a variety of housing choices affordable for people who want to live there.

We appreciate the thoughtfulness with which DPD has been exploring potential modifications to the Lowrise Multifamily Code, and we offer the following recommendations and observations on the preliminary DPD staff recommendations for Lowrise Multifamily Code Corrections shared with us at our March 11 Commission meeting.

Introduce a new maximum height for street-facing façade.

DPD has communicated that concerns regarding scale/context are focused in the Growth Areas within the Lowrise 3 zone, where apartment buildings have a 40-foot height limit and where the use of multiple allowances or incentives results in buildings that exceed this height.

The Commission supports DPD's recommendation to introduce a new street-facing façade height limit, measured from the adjacent sidewalk. We agree that this will help address imposing street frontages, particularly on the downward side of sloping sites. The Commission is very supportive of efforts to improve the pedestrian experience and the manner in which buildings interact with street-level activities.

Keep the Floor Area Ratio (FAR) exemption for exterior stairs, hallways and breezeways.

The Commission has concern with the preliminary recommendation to eliminate the FAR exemption for exterior stairs, hallways, and breezeways. Exempting these areas from FAR calculations may result in less bulk and more modulation of the building by encouraging exterior circulation. In addition,

exterior circulation has benefits to the overall energy performance of buildings, thus encouraging greener building practices.

Require a façade setback for clerestories.

Clerestories may contribute to better design, adding functional interior space as well as visual interest. At the same time, these elements can also unnecessarily add to the perceived bulk of a building and accentuate its height as perceived from the street.

Requiring a setback from the street-facing facade would preserve a good amount of flexibility in the way these features are incorporated with a building's design and would potentially offer an effective way to reduce potential and/or perceived visual impact.

Maintain the FAR exemption and the additional 4-foot height allowance for a partially below-grade story in the Lowrise 3 zone and encourage grade-related units with stoops.

Part of the intent of the current development standards in Lowrise 3 zones is to promote building types that have street-facing, ground-related dwelling units that are elevated above the sidewalk and that have below-grade parking. The goal has been to encourage a more positive, pedestrian-friendly experience that includes eyes on the street. To further support this goal, the Commission recommends continuing the current FAR exemption for a partially below-grade floor, provided that the street-facing ground floor has grade-related units with stoops, or terraces facing the street.

Explore adding performance criteria for accessing the 40-foot height limit and 2.0 FAR maximum.

The City updated the Lowrise Multifamily Code in 2010 in part to promote well-designed buildings, encourage a variety of housing, and help direct growth to urban centers, villages, and transit station areas. It is important to preserve flexibility for developers to build to the height limits and FAR maximums in the current code, including those for apartments in LR3 zoning within Growth Areas. At the same time, it may make sense to require developers to undergo discretionary design review or meet additional performance criteria in order to access the 40 feet and 2.0 FAR maximums. We would advise that DPD further explore this idea.

Consider the potentially ameliorating effect of micro-housing legislation

Many of the new buildings brought to the City’s attention by residents concerned with development in Lowrise zones are micro-housing developments. We believe this form of housing plays an important role in increasing in-city housing options for individuals as noted in our [June 2013 letter](#) to the Council PLUS Committee and our [August 2013 memo](#) to you. These communications also indicated our support for the introduction of scale-based design review thresholds for micro-housing that will enable more consistent treatment of micro-housing relative to other forms of multifamily development types.¹

We are largely supportive of the micro-housing legislation that DPD has submitted for Council consideration, and will be providing specific comments regarding that legislation in the near future. We anticipate that design review provisions for micro-housing will help alleviate some design issues that have exacerbated concerns about the Lowrise zones, and we would ask that this be kept in mind as DPD prepares draft legislation to modify Lowrise zoning.

We look forward to continuing to work with you in making improvements to the Lowrise zones in response to the concerns raised recently by community members and in bolstering the City’s ability to encourage a greater variety of affordable housing choices over the long term.

We are available to answer any questions and would be happy to discuss all of our recommendations in more detail. You can contact either of us or call our Director, Vanessa Murdock, at (206) 684-0431.

Sincerely,



David Cutler
Co-Chair



Amalia Leighton
Co-Chair

¹ As part of the letter the Commission sent to Council President Burgess in March of this year responding to his request for recommendations related to large lots in LR 1 and 2 zones, we suggested that the City also conduct a broad look at design review thresholds in all three Lowrise zones.

SEATTLE PLANNING COMMISSION RECORD OF DISCLOSURES & RECUSALS:

Commissioner Bradley Khouri disclosed that his firm, b9 architects, works on multifamily housing projects and that he works in the development of Lowrise housing that may be impacted by changes to the Lowrise zones. He also disclosed that he has advocated on the Lowrise Code Update as a private citizen.

Commissioner Colie Hough-Beck disclosed that the firm for which she works, HBB Landscape Architecture, works on multifamily housing projects that may be impacted by changes to Lowrise zones.

Lowrise 1 (LR1) - Examples of Proposed Height and Floor Area Ratio (FAR) Limits by Housing Type

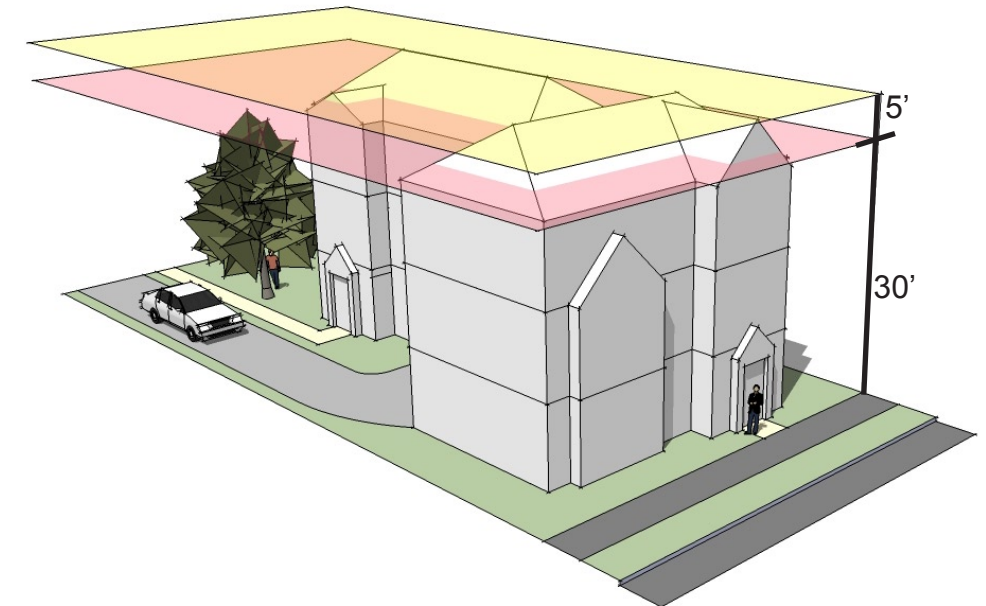
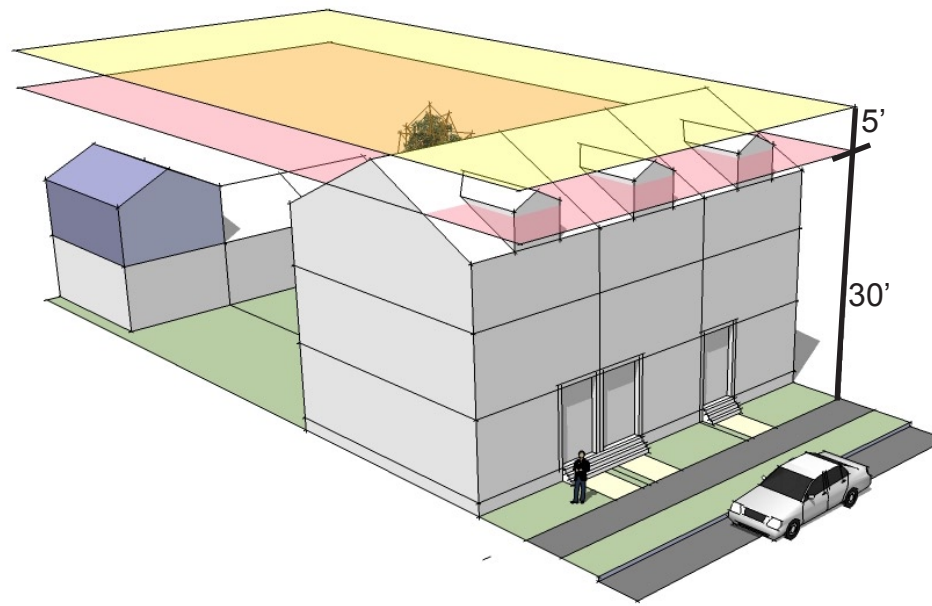
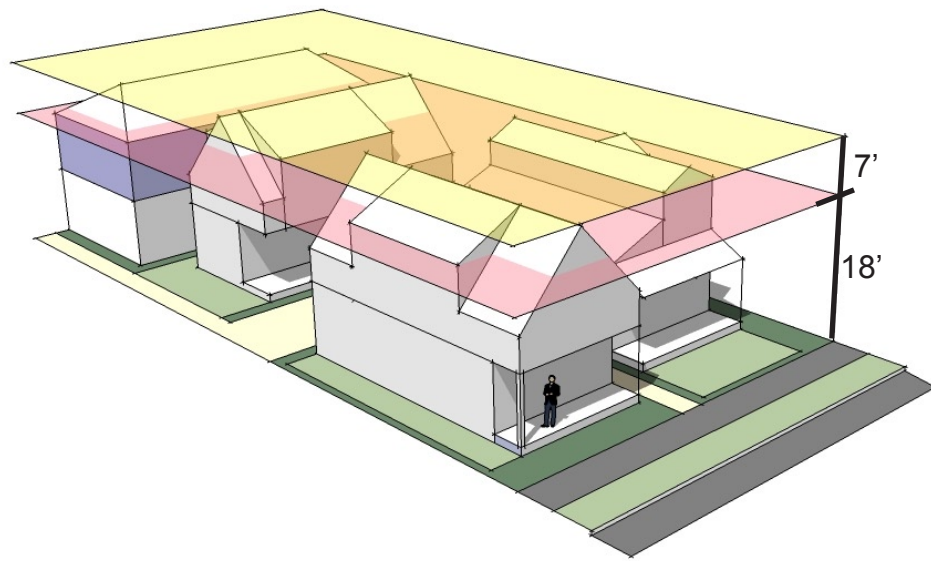
March 2010

Encourages a variety of housing types.

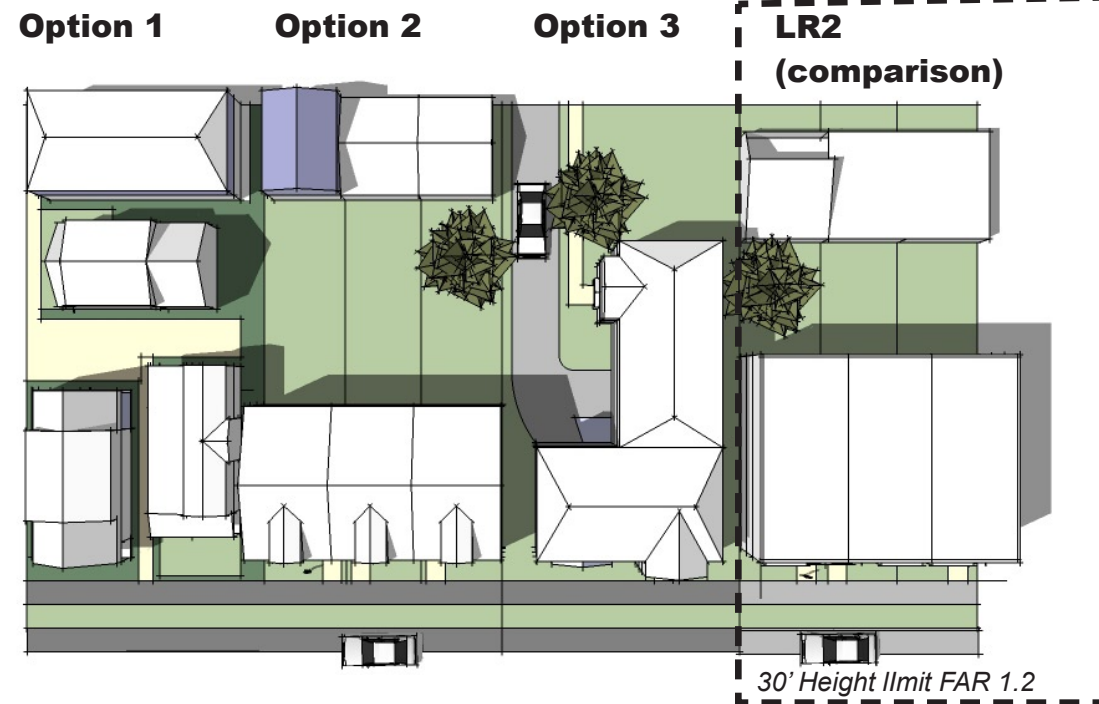
Option 1
Cottage Housing
 18' Height limit (pink)
 7' Extra height for roof pitch (yellow)
 1 1/2 Stories (2nd story occupies roof pitch)
 FAR: 1.1. 4 Units including 1 unit above garage
 Alley access

Option 2
Rowhouse
 30' Height limit (pink)
 5' Extra height for roof pitch (yellow)
 34' Building to peak of roof
 3 Stories: 9'6" floor to floor heights
 FAR: 1.1. 3 Units plus 1 unit above garage.
 Alley access

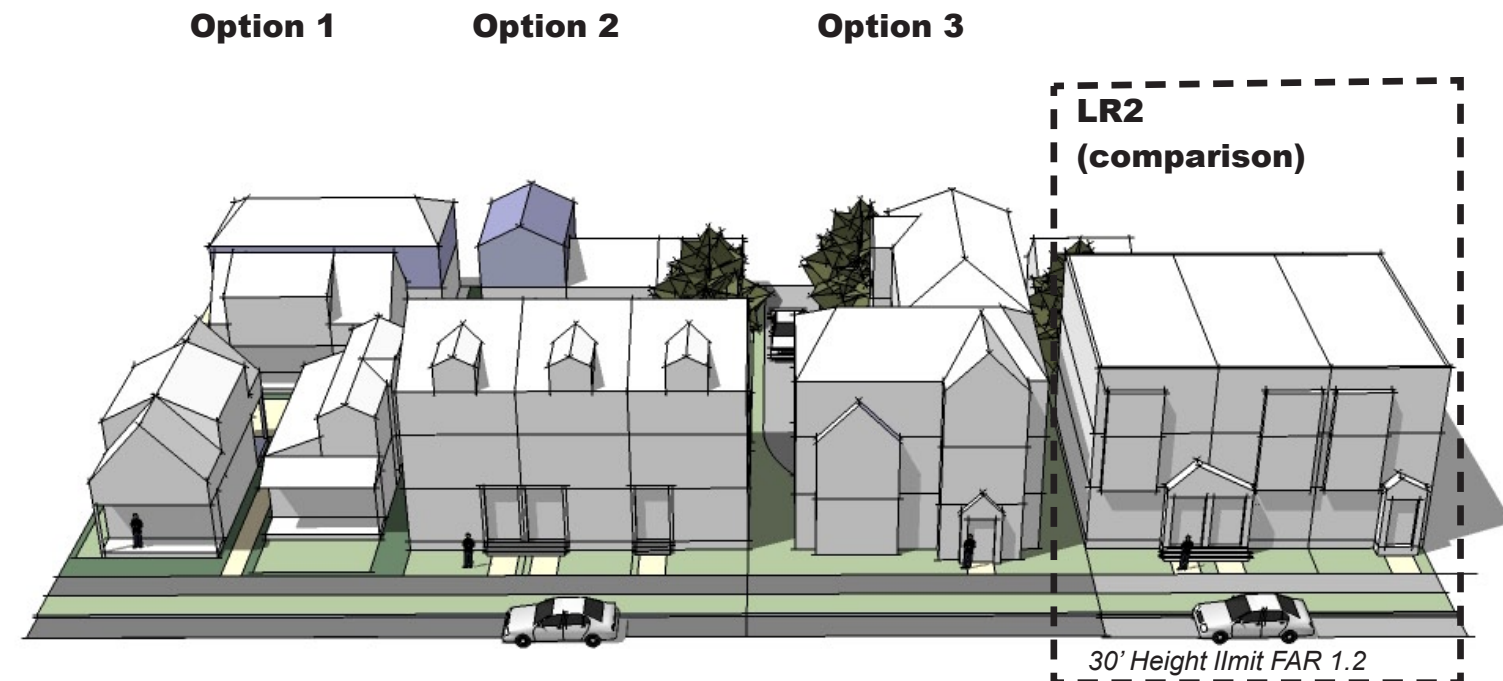
Option 3
Autocourt Townhouse
 30' Height limit (pink)
 5' Extra height for roof pitch (yellow)
 35' Building to peak of roof
 3 Stories: 10' floor to floor heights
 FAR: 1.0. 2 Units
 Alley access



Siteplans



Streetscape

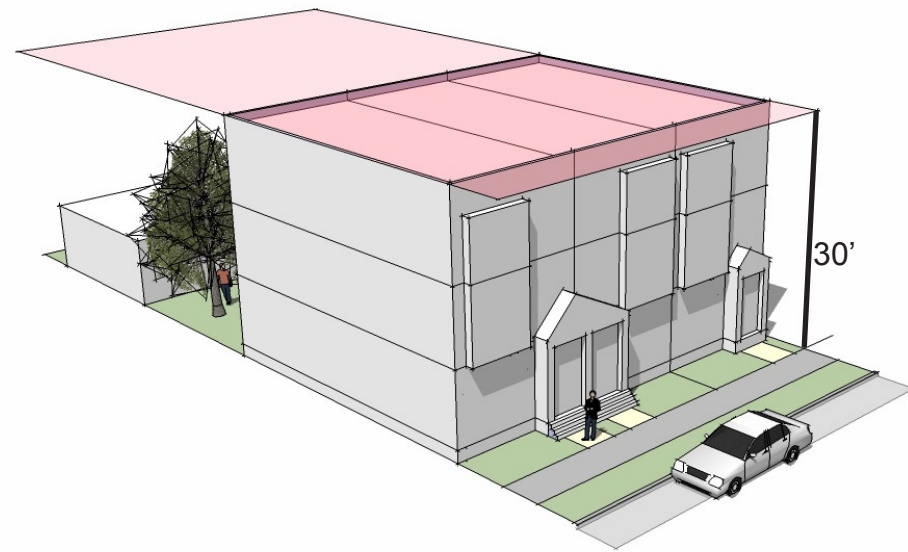


Lowrise 2 (LR2) - Examples of Proposed Height and Floor Area Ratio (FAR) Limits by Housing Type

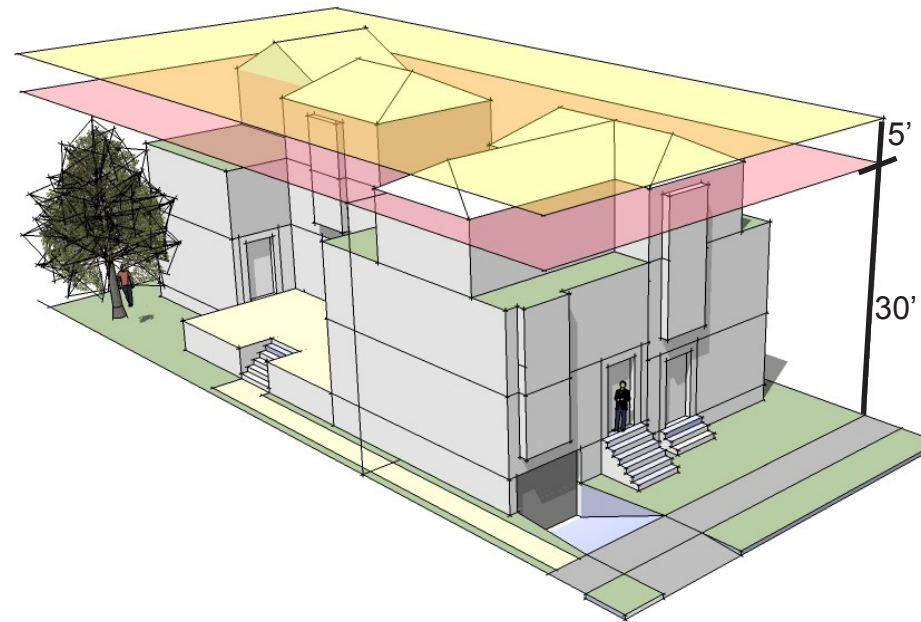
March 2010

Encourages a variety of housing types.

Option 1
Rowhouse
 30' Height limit (pink)
 30' Building
 3 Stories: 9'6" - 10' floor to floor heights
 FAR: 1.2. 3 Units.
 Alley access to garage



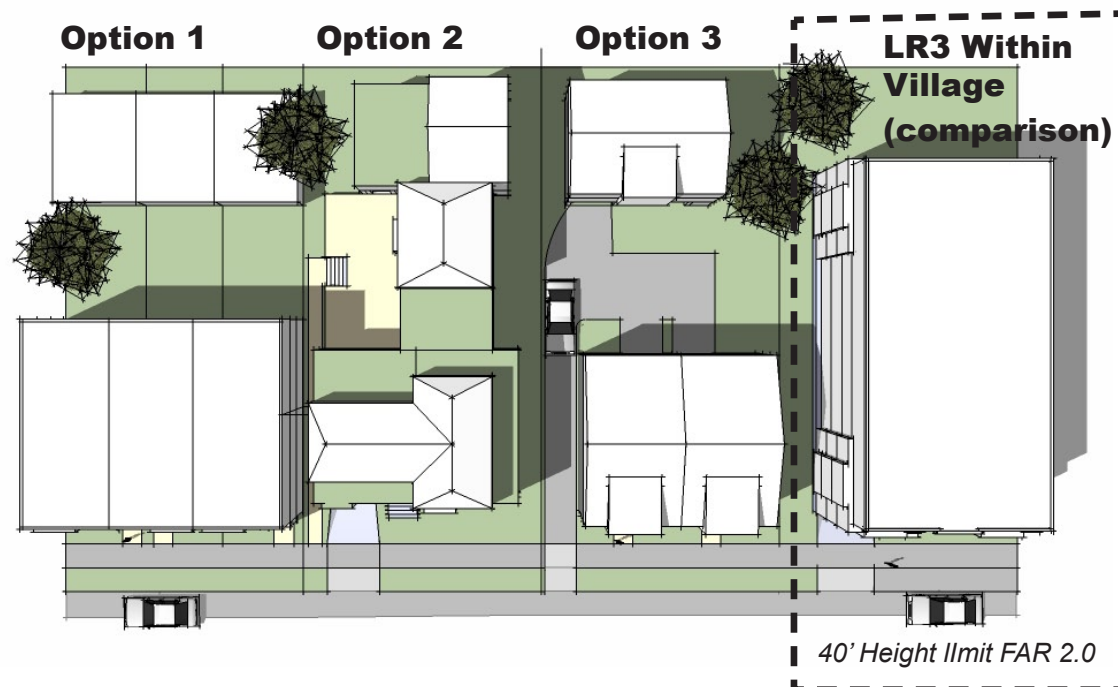
Option 2
Townhouse
 30' Height limit (pink)
 5' Extra height for roof pitch (yellow)
 35' Building (to peak of roof)
 3 Stories: 9'3" - 10' floor to floor heights
 FAR: 1.2. 4 Units.
 Below grade parking



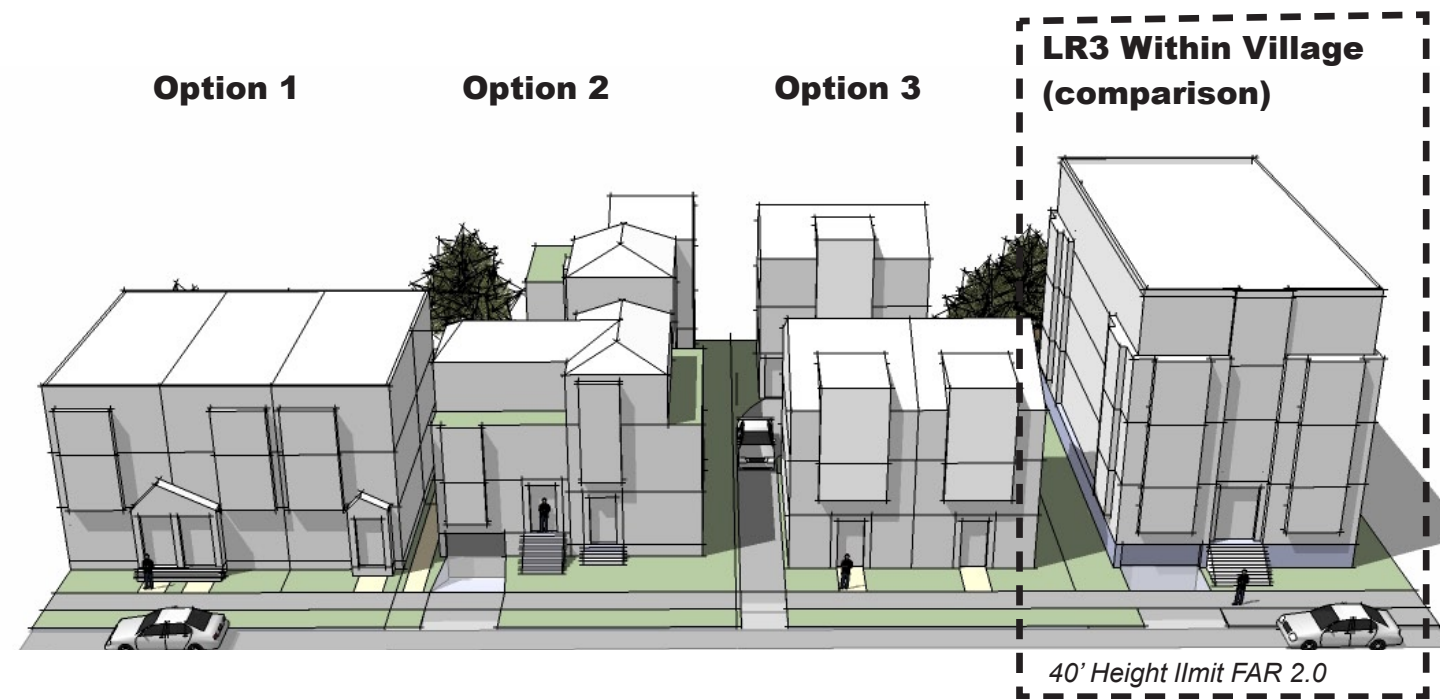
Option 3
Autocourt Townhouse
 30' Height limit (pink)
 5' Extra height for roof pitch (yellow)
 35' Building (to peak of roof)
 3 Stories: 10' floor to floor heights
 4th Story occupies pitched roof
 FAR: 1.1. 3 Units.



Siteplans



Streetscape



Lowrise 3 (LR3) - Examples of Proposed Height and Floor Area Ratio (FAR) Limits by Housing Type

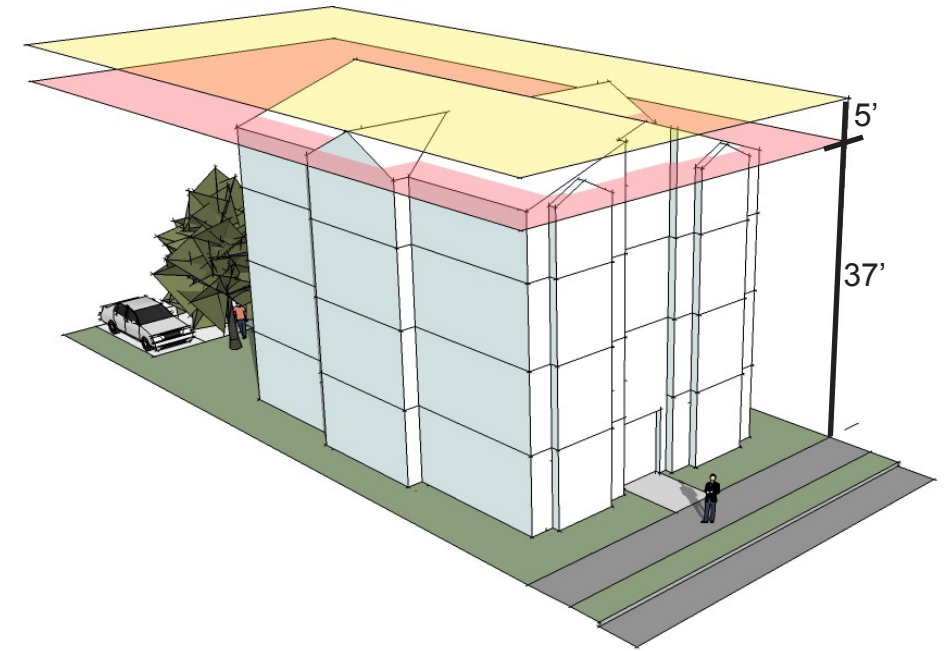
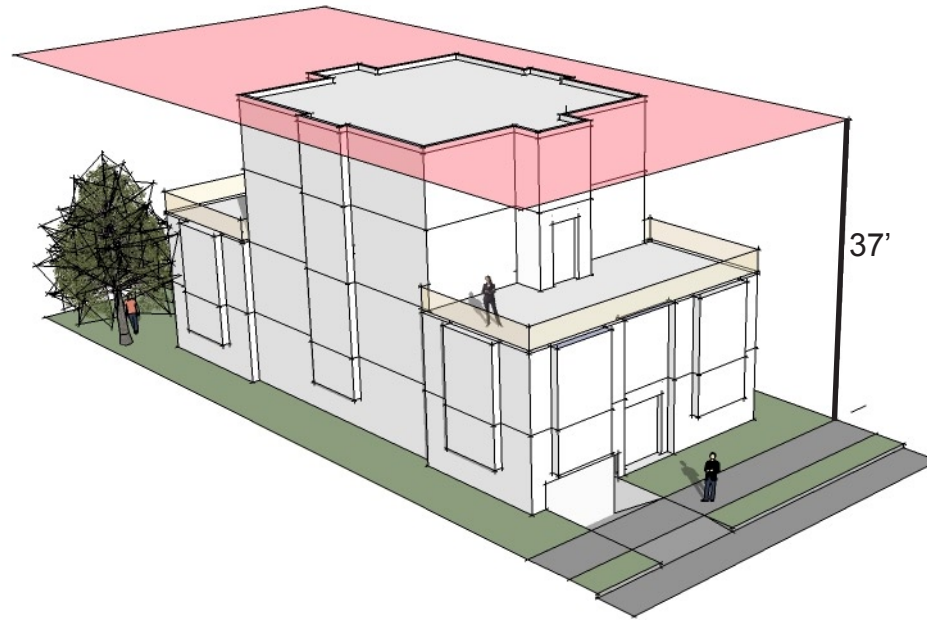
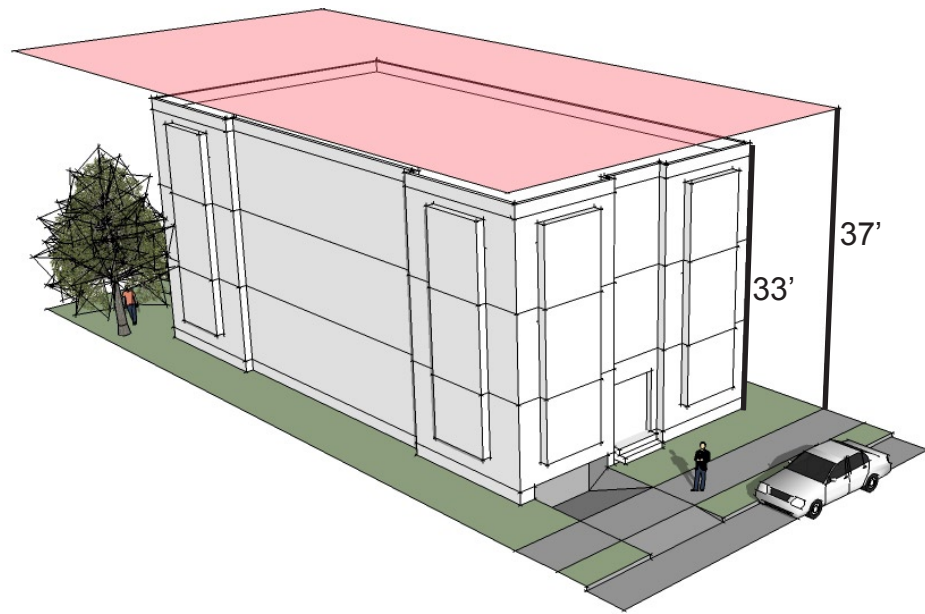
March 2010

OUTSIDE of Urban Village, Center, or Station Area Overlay - Apartments

Option 1
 37' Height limit (pink)
 33' Building
 3 Stories: 10' Floor to floor heights
 FAR: 1.5. 50% lot coverage

Option 2
 37' Height limit (pink)
 37' Building
 4 Stories: 9'3" floor to floor heights
 4th Floorplate reduced
 FAR: 1.5. 50% lot coverage

Option 3
 37' Height limit (pink)
 5' Extra height for roof pitch (yellow)
 42' Building to peak of roof
 4 Stories: 9'6" floor to floor heights (1 to 3)
 4th Story occupies pitched roof
 FAR: 1.5. 38% lot coverage

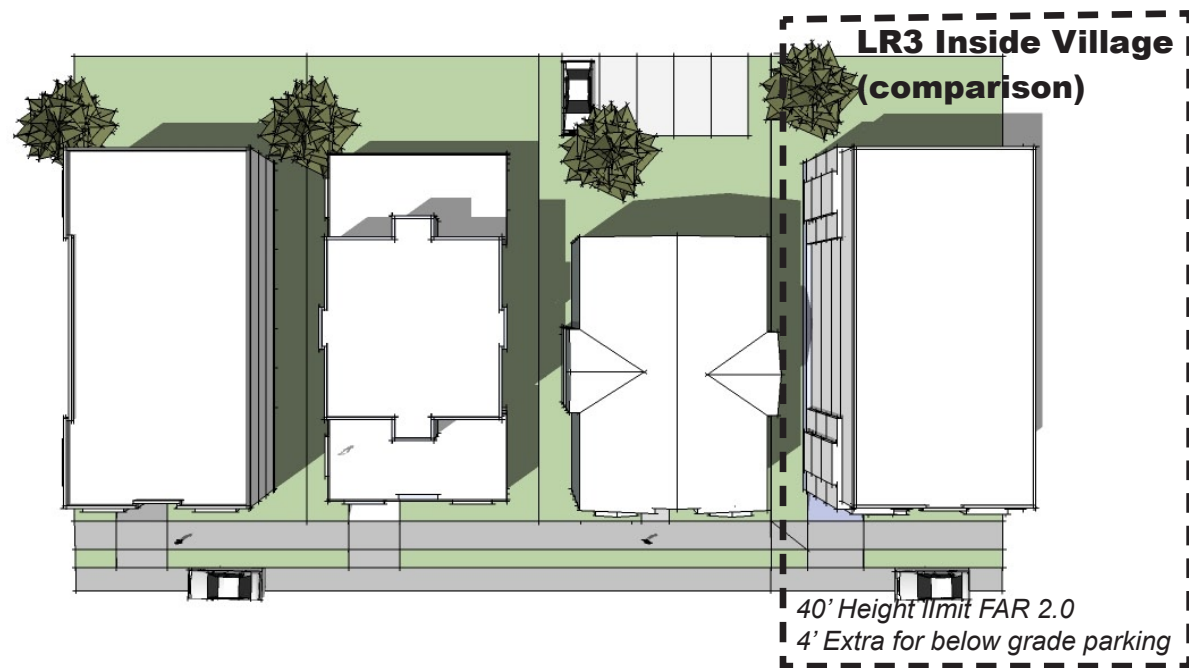


Siteplans

Option 1

Option 2

Option 3

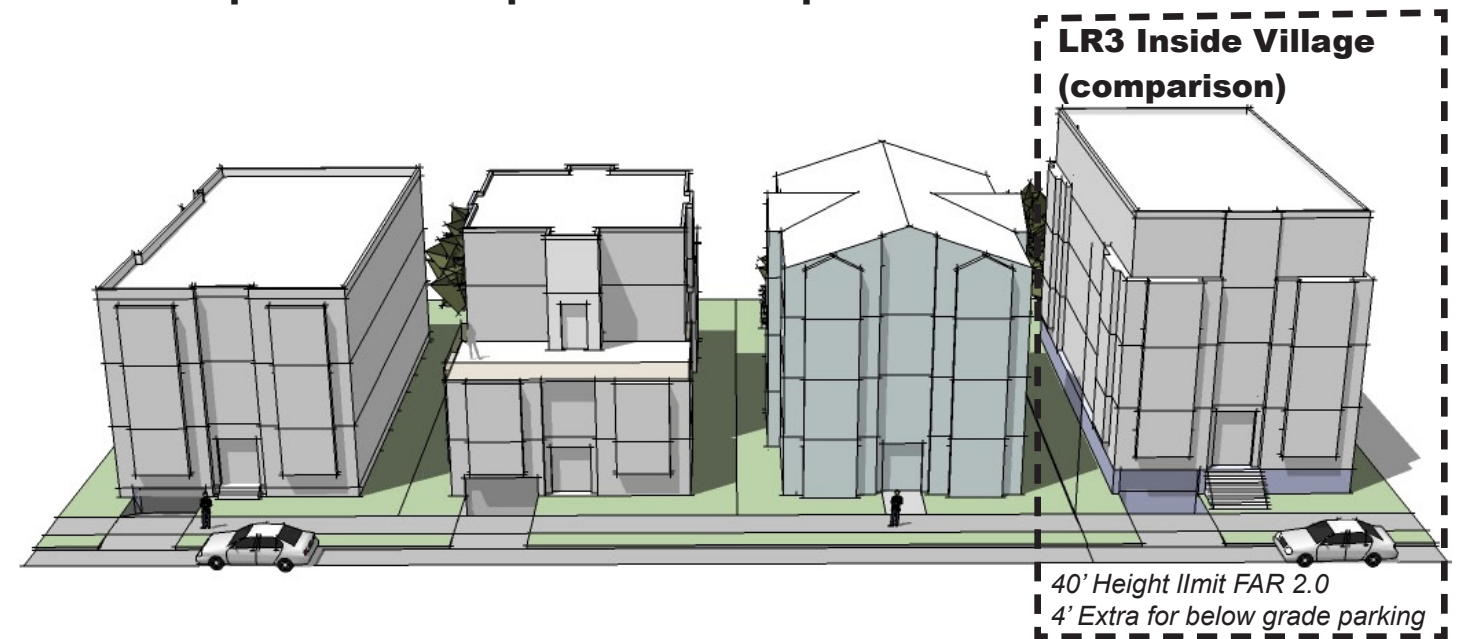


Streetscape

Option 1

Option 2

Option 3



Lowrise 3 (LR3) - Examples of Proposed Height and Floor Area Ratio (FAR) Limits by Housing Type

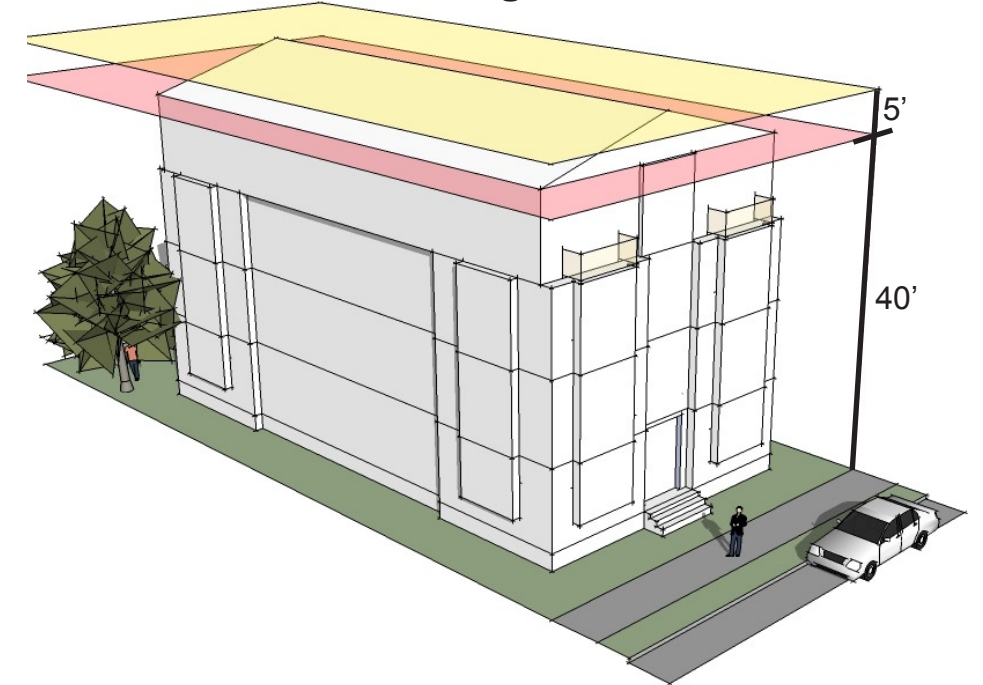
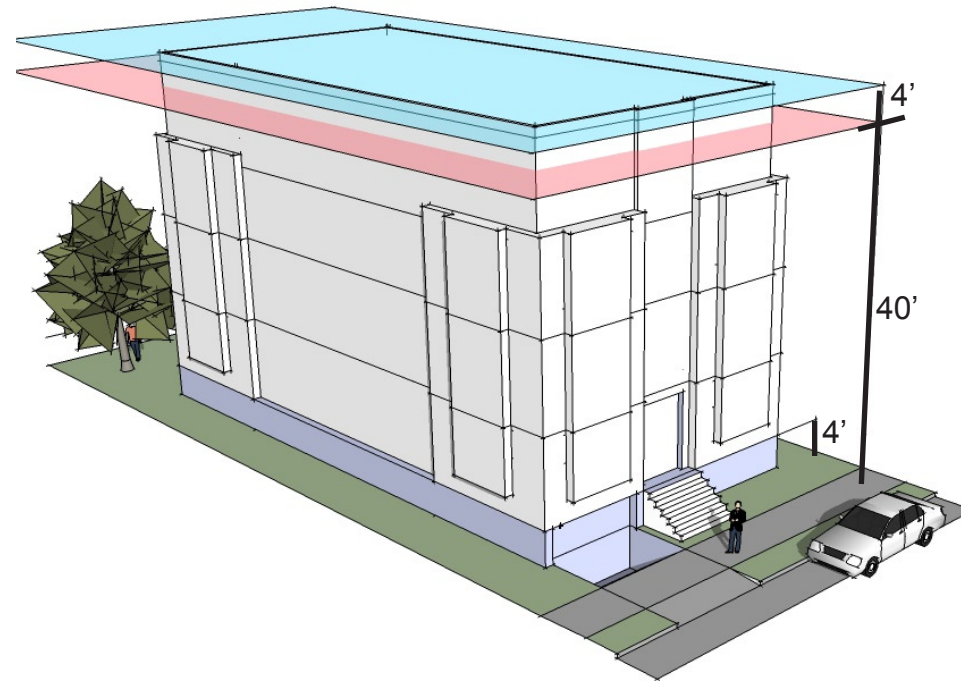
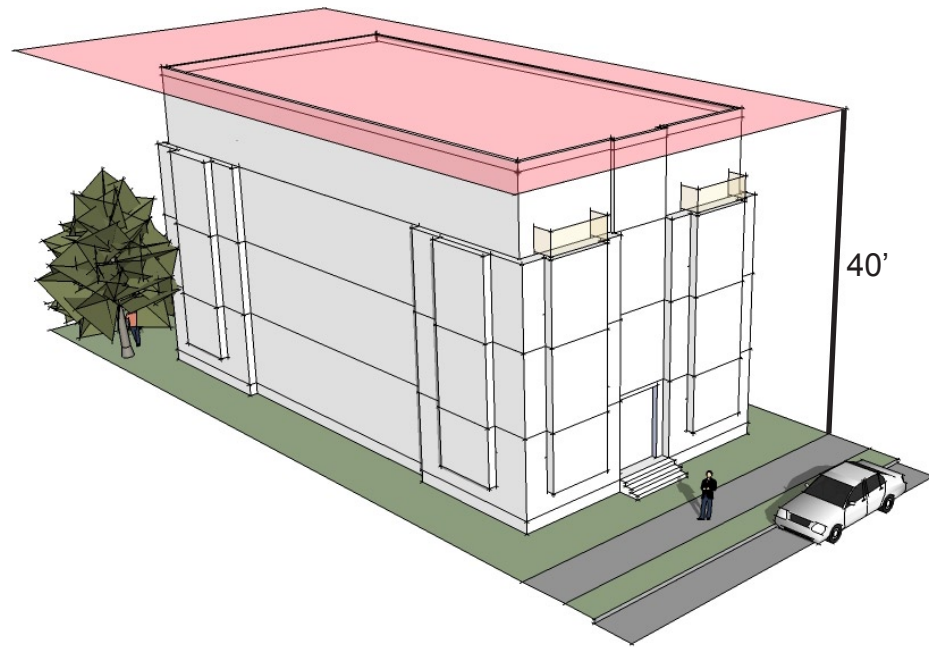
March 2010

INSIDE of Urban Village, Center, or Station Area Overlay - Apartments

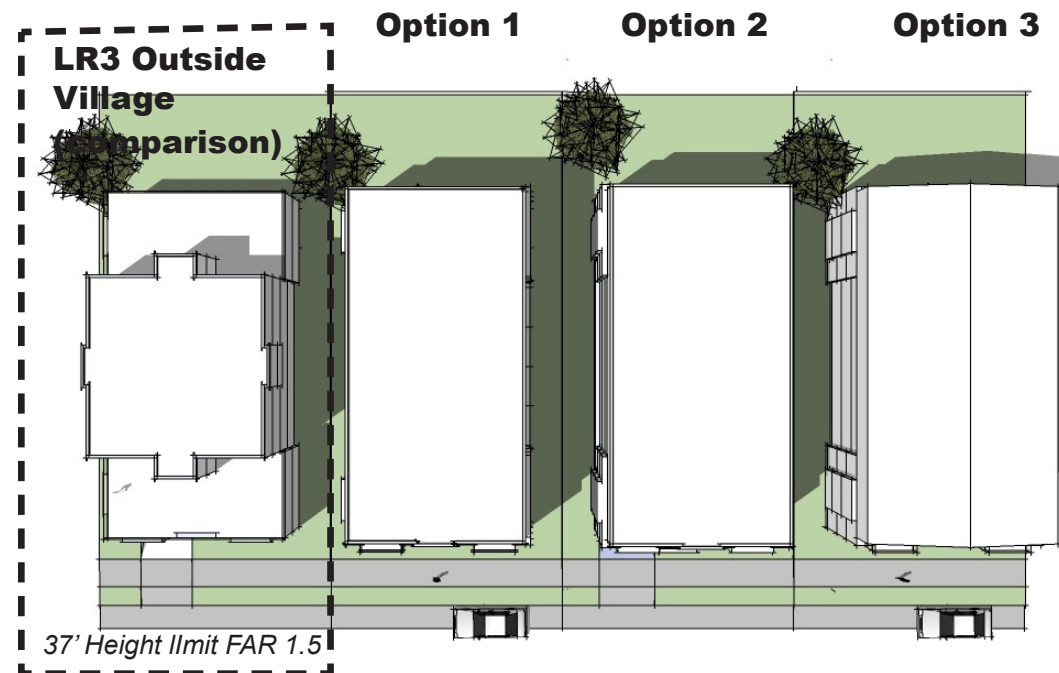
Option 1
 40' Height limit (pink)
 40' Building
 4 Stories: 9'6" - 10' floor to floor heights
 FAR: 2.0. 50% lot coverage

Option 2
 40' Height limit (pink)
 4' Extra height for below grade parking (blue)
 44' Building
 4 Stories: 10' floor to floor heights
 FAR: 2.0. 50% lot coverage

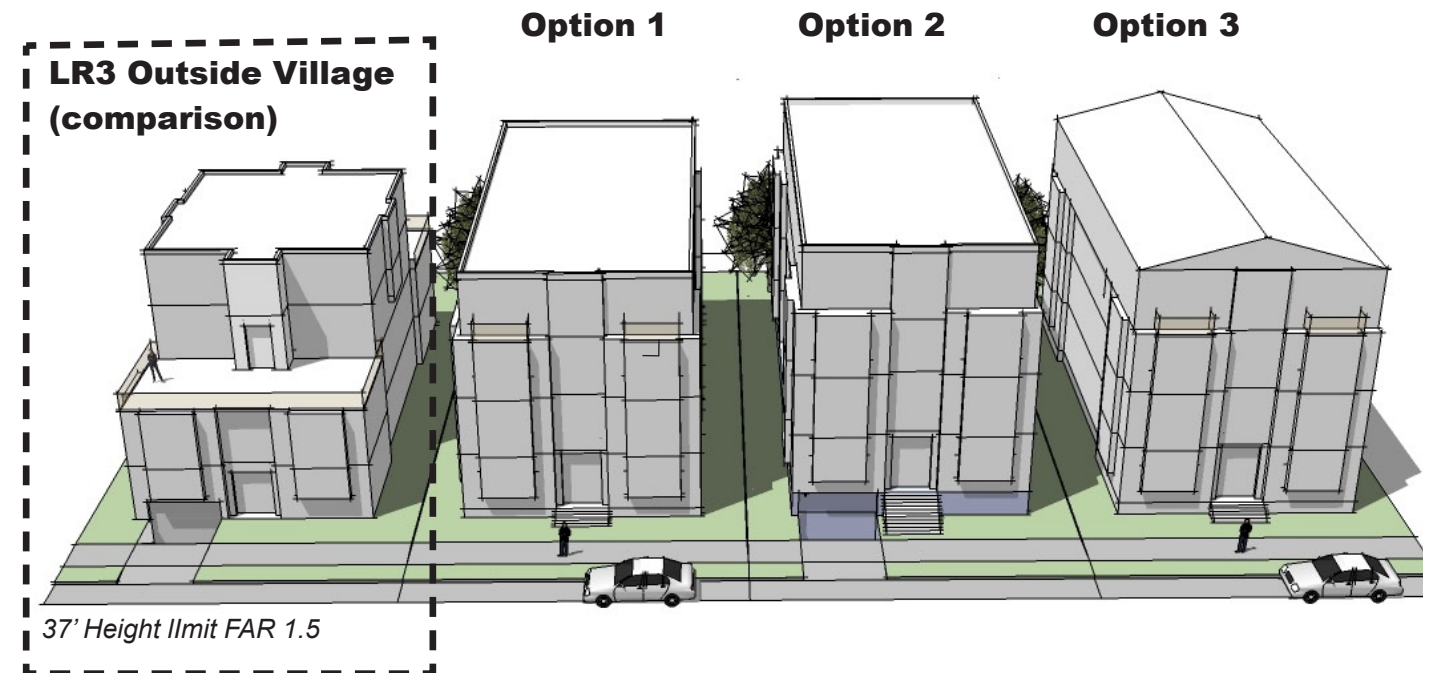
Option 3
 40' Height limit (pink)
 5' Extra height for roof pitch (yellow)
 45' Building to peak of roof
 4 Stories: 9'6" floor to floor heights
 4th Story occupies pitched roof
 FAR: 2.0. 50% lot coverage



Siteplans



Streetscape



Lowrise 1 (LR1)

Floor Area Ratio (FAR) and Density Limits	Housing Types: Cottage Housing Rowhouse Townhouse Apartment	FAR* 1.1 1.0 or 1.2 0.9 or 1.1 1.0	Density* 1 unit/1,600 SF of lot area No limit** 1 unit/2,200 SF or 1/1,600 SF 1 unit/2,000 SF (3 units maximum)	*The higher FAR and density limits apply if the project meets additional standards regarding parking location and access, alley paving, and green building performance **Rowhouse density is limited by the number of units that can fit in the width of the lot
Building Height	Cottage housing: 18' + 7' for a roof with minimum 6:12 pitch Rowhouses, Townhouses, and Apartments with up to 3 units: 30'+5' for a roof with minimum 6:12 pitch			
Building Setbacks		SETBACK		
	HOUSING TYPE	FRONT	REAR	SIDE
	Cottage Housing	7' average 5' minimum	0' with alley 7' no alley	5' minimum
	Rowhouse	5' minimum	0' with alley No alley: 7' average 5' minimum	0' 5' on lots next to single-family zones
	Townhouse	7' average 5' minimum	7' average 5' minimum	5' if building is 40' or less in length; or 7' average, 5' minimum
	Apartment (duplexes and triplexes)	5' minimum	10' minimum with alley 15' minimum no alley	5' if building is 40' or less in length; or 7' average, 5' minimum
	<u>Projections:</u> <ul style="list-style-type: none"> Eaves, gutters, and other weather protection may extend 4' into setbacks, but may not be closer than 3' to any lot line Bay windows: may extend 2' into setbacks, but may not be closer than 5' to any lot line The first steps (up to 2.5' in height) of a stoop may extend to street 			
Building Width and Depth Limits	<u>Applies to all lots</u> <ul style="list-style-type: none"> Maximum Width: Cottage housing and rowhouses: no limit; Townhouses: 60'; Apartments (duplexes and triplexes): 45' Maximum Depth for all housing types: 65 percent of the lot depth for structures or portions of structures located within 15 feet of a side lot line that is not a street or alley lot line; 40' for a rowhouse unit located within 15 feet of a lot line that abuts a lot in a single-family zone 			
Open space and Amenity Area Requirements	Cottage housing: 150 SF of private amenity area and 150 SF of common amenity area per cottage; plus 150 SF of common amenity area for carriage house units Rowhouses and Townhouses: an area equal to 25% of lot area required as amenity area, with a minimum of 50% provided at ground level. Amenity area at ground level may either be common or private Apartments (duplexes and triplexes): Same as rowhouses and townhouses, except that amenity area at ground level must be common, rather than private			
Landscaping Requirements	Landscaping must earn a Green Factor score of 0.6. The scoring system places a high value on tree planting, and limits vegetated walls to a maximum of 25% of Green Factor score. Street trees required			
Parking Requirements	<ul style="list-style-type: none"> No parking required in urban centers and station areas No parking required in urban villages for lots within ¼ mile of frequent transit service All other areas: 1 space per unit, except in Alki and portions of the University District where the requirement is 1.5 spaces/unit; low-income units: .33, .75, or 1 space per unit (depending on unit size and household income) Parking may be located on the side or rear of a structure or in or under a structure; if reaching higher FAR limit, location has further restrictions Parking may be located within 800 feet of the lot, but not in a single-family zone; the two lots must be tied together with a use permit for the parking Access from alley required, if present. Parking must be screened 			
Design Standards	For facades that face the street, visual interest must be provided by: articulating the façade, varying building materials, or using architectural features. These facades must have pedestrian entries and a minimum area devoted to windows. There are also specific design standards for each multifamily housing type and for location and size of garage doors			

Lowrise 2 (LR2)

FAR and Density Limits	Housing Types: Cottage Housing Rowhouse Townhouse Apartment	FAR* 1.1 1.1 or 1.3 1.0 or 1.2 1.1 or 1.3	Density* 1 unit/1,600 SF No limit** 1 unit/1,600 SF or no limit 1 unit/1,200 SF or no limit	* The higher FAR and density limits apply if the project meets additional standards regarding parking location and access, alley paving, and green building performance **Rowhouse density is limited by the number of units that can fit in the width of the lot
Building Height	Cottage Housing: 18' + 7' for a roof with minimum 6:12 pitch Rowhouses and Townhouses: 30'+5' for a roof with minimum 6:12 pitch Apartments: 30'+5' for a roof with minimum 6:12 pitch; or 30'+4' for partially below grade floor			
Building Setbacks	Same as LR1			
Building Width and Depth Limits	<u>Applies to all lots</u> <ul style="list-style-type: none"> Maximum Width: Cottage housing and Rowhouses: no limit; Townhouses and Apartments: 90' Maximum Depth for all housing types: 65 percent of the lot depth for structures or portions of structures located within 15 feet of a side lot line that is not a street or alley lot line; 40' for a rowhouse unit located within 15 feet of a lot line that abuts a lot in a single-family zone 			
Amenity Area Requirements	Cottage housing: 150 SF of private amenity area and 150 SF of common amenity area per cottage; plus 150 SF of common amenity area for carriage house units. Rowhouses and Townhouses: an area equal to 25% of lot area required as amenity area, with a minimum of 50% provided at ground level. Amenity area at ground level may either be common or private Apartments: Same as rowhouses and townhouses, except that required amenity area at ground level must be common, rather than private			
Landscaping Requirements	Same as LR1			
Parking Requirements	Same as LR1			
Design Standards	Same as LR1			

Lowrise 3 (LR3)

Floor area ratio (FAR) + Density Limits	OUTSIDE Designated Growth Areas ¹			INSIDE Designated Growth Areas ¹	
	Housing Type:	FAR*	Density*	FAR*	Density*
	Cottage Housing	1.1	1/1,600	1.1	1/1,600
	Rowhouse	1.2 or 1.4	no limit**	1.2 or 1.4	no limit**
	Townhouse	1.1 or 1.3	1/1,600 or no limit	1.2 or 1.4	1/1,600 or no limit
	Apartment	1.3 or 1.5	1/800 or no limit	1.5 or 2.0	1/800 or no limit
* The higher FAR and density limits apply if the project meets additional standards regarding parking location and access, alley paving, and green building performance					
**Rowhouse density is limited by the number of units that can fit in the width of the lot					
Building Height	Cottage Housing: 18' + 7' for a roof with minimum 6:12 pitch Rowhouses, Townhouses, and Apartments: 30'+5' for roof with minimum 6:12 pitch and +4' for partially below-grade floor; or 30'+10' for roof with minimum 6:12 pitch and no added height for partially below-grade floor; Height for apartments in High Point Revitalization Area is same as for apartments inside designated growth areas			Cottage Housing: 18' + 7' for a roof with minimum 6:12 pitch Rowhouses and Townhouses: 30'+5' for roof with minimum 6:12 pitch and +4' for partially below-grade floor; or 30'+10' for roof with minimum 6:12 pitch (no added height for partially below-grade floor) Apartments: 40'+5' for roof with minimum 6:12 pitch; or 40'+4' for partially below grade floor	
Building Setbacks	Same as LR1				
Building Width and Depth Limits	<u>Applies to all lots</u> <ul style="list-style-type: none"> Maximum Width: 120' Maximum Depth for all housing types: 65 percent of the lot depth for structures or portions of structures located within 15 feet of a side lot line that is not a street or alley lot line; 40' for a rowhouse unit located within 15 feet of a lot line that abuts a lot in a single-family zone 			<u>Applies to all lots</u> <ul style="list-style-type: none"> Maximum Width: 150' Maximum Depth for all housing types: 65 percent of the lot depth for structures or portions of structures located within 15 feet of a side lot line that is not a street or alley lot line; 40' for a rowhouse unit located within 15 feet of a lot line that abuts a lot in a single-family zone 	
Amenity Area Requirements	Cottage housing: 150 SF of private amenity area and 150 SF of common amenity area per cottage; plus 150 SF of common amenity area for carriage house units. Rowhouses and Townhouses: an area equal to 25% of lot area required as amenity area, with a minimum of 50% provided at ground level. Amenity area at ground level may either be common or private. Apartments: Same as rowhouses and townhouses, except that required amenity area at ground level must be common, rather than private.				
Landscaping Requirements	Same as LR1				
Parking Requirements	Same as LR1				
Design Standards	Same as LR1				

¹ Designated growth areas include: urban centers, urban villages and land within the light rail Station Area Overlay District.



Legislative Department
Seattle City Council
Memorandum

Date: March 20, 2010

To: Councilmember Sally J. Clark, Chair
Councilmember Tim Burgess, Vice Chair
Councilmember Sally Bagshaw, Member
Committee on the Built Environment (COBE)

From: Rebecca Herzfeld and Michael Jenkins, Council Central Staff

Subject: March 20, 2010 Special COBE Meeting: Updates to Multifamily Zones

To continue the review of regulations for Lowrise multifamily zones, we are requesting direction from the Committee on two topics:

1. Parking requirements for multifamily housing in urban villages
2. Height limits for Lowrise 3 and Lowrise 4 zones.

1A. Parking Requirements for multifamily housing in urban villages

On February 3, COBE members directed staff to investigate whether the multifamily parking requirements in urban villages should be eliminated, in both residential and commercial zones. Last year, the Council removed the parking requirement for multifamily housing in all urban centers except Northgate, and in Station Area Overlay Districts. The Council also reduced the general parking requirement for multifamily development to one space per dwelling unit.

Comprehensive Plan Policy LU49 provides general guidance about parking requirements:

“Seek to further this Plan’s goal of encouraging the use of public transit, carpools, walking, and bicycles as alternatives to the use of single-occupancy vehicles when setting parking requirements for both single-occupant vehicles and their alternatives. When setting new requirements for off-street parking, balance the goals of accommodating the parking demand generated by new development and avoiding on-street congestion of parked cars with the goals of lowering construction costs and discouraging single-occupant vehicles...”

To support this policy, parking requirements should minimize parking spillover on the one hand and discourage under-used parking on the other. Policy LU49 recognizes that requiring more than the necessary amount of parking can add significantly to construction costs. Parking provided below grade typically costs about \$50,000 per space.

The Comprehensive Plan also includes a policy that more specifically addresses parking requirements in urban villages and centers. Policy LU50 states:

“In urban centers and urban villages, consider removing minimum parking requirements and setting parking maximums in recognition of the increased pedestrian, bicycle and transit accessibility these areas already provide or have planned. Parking requirements for urban centers and villages should account for local conditions and planning objectives.”

Policy LU50 builds on the Comprehensive Plan intent to “promote the growth of urban villages as compact mixed-use neighborhoods in order to support walking and transit use, and to provide services and employment close to residences” (Policy UV1).

Based on the Comprehensive Plan and our analysis, which was done in collaboration with Department of Planning and Development (DPD) and the Seattle Department of Transportation (SDOT) staff, we are proposing to eliminate the multifamily parking requirement in urban villages for lots located within ¼ mile (1,320 feet) from a street with frequent transit service. SDOT transportation planners have stated that ¼ mile is the standard distance that people will walk to take most forms of transit (the distance for light rail is ½ mile). Because frequent transit service is provided in most urban villages, as well as easy walking access to neighborhood shopping and other amenities, fewer residents need to use an automobile regularly.

“Frequent transit service” is defined by SDOT as:

- Transit service headways of 15 minutes or less for at least 12 hours per day, 6 days per week, and
- Transit service headways of 30 minutes or less for at least 18 hours every day.

Attachment A is a map provided by SDOT showing areas with frequent transit service and the urban village boundaries.

Of the 24 urban villages outside of urban centers, 21 would fully or partially meet the proposed standard for frequent transit service. Lake City, South Park, and Admiral are the three urban villages that do not currently meet the standard. In addition to these three urban villages, there are 200 acres in five urban villages (Ballard, West Seattle Junction, Rainier Beach, MLK@ Holly Street, and Bitter Lake) where multi-family or commercially zoned land is outside the ¼ mile distance from frequent transit service. Most of this land is located in Ballard (approximately 85 acres) and Rainier Beach (approximately 71 acres), and is zoned Lowrise Duplex Triplex (LDT) or Lowrise 1 (L1). These are lower density zones where we expect that parking would be provided even if the requirement is removed.

Regardless of zoning regulations, developers are likely to still respond to market demand. We believe that a developer will build an appropriate amount of parking that is tailored to the housing type, proximity to transit and neighborhood services, and the expected unit occupancy. As shown in Table 1, this has been the case since the 2007 changes that eliminated the minimum parking requirement for all types of uses in commercial zones in urban centers and station area overlay districts (station areas).

Table 1: Parking provided in Commercial Zones in Urban Centers and Station Areas since 2007

Number of Projects	Average space per unit if all parking is attributed to residential use	Average space per unit if estimated commercial parking is subtracted*
25	0.8	0.65

* All 25 projects included a mix of residential and commercial uses. We assumed that 1 space per 500 square feet was provided for the commercial development.

Table 1 illustrates that even in the densest areas of Seattle that have frequent transit service, parking is still provided due to market demand and financing requirements, at a ratio greater than half a space per unit. Therefore, eliminating the multifamily parking requirement in urban villages is unlikely to result in structures that do not provide parking, because developers would still respond to market demand. Developers of larger rental apartment buildings are more likely to reduce the number of parking spaces than builders of rowhouses, townhouses, and condominiums.

Over the long term, eliminating the parking requirement in urban villages that have frequent transit service would help meet the Comprehensive Plan policies cited above. If the parking requirement is eliminated, and there is less demand for on-site parking, developers could adjust gradually to the changing market without having to come back to the Council for further amendments to the parking requirement.

If the Council agrees with this proposal, we also recommend making three companion amendments to the City’s parking policies under the State Environmental Policy Act (SEPA), similar to the changes made last year when the parking requirement for multifamily housing in urban centers was eliminated. The first proposed amendment would state that in urban villages that have frequent transit service, the decision-maker for a project (usually the Director of DPD) has no authority under SEPA to condition a residential project for parking impacts. This would prevent the use of SEPA to undermine the Council’s policy direction for urban villages.

The second proposed SEPA amendment would add Uptown to the list of urban centers where SEPA cannot be used to condition multifamily projects for parking. This urban center was inadvertently left off the list when SEPA amendments were made last year.

The third amendment would clarify the SEPA policies could not be used to require other parking mitigation measures for residential uses in urban centers, station areas, and qualifying urban villages. The possible measures listed in the SEPA policies, such as requiring a transportation management plan or transit pass subsidies, work much more effectively for nonresidential uses than for housing.

The proposed changes to the Land Use Code and SEPA policies would read as follows, with new wording shown underlined and deleted text ~~crossed out~~:

Land Use Code Amendments
23.54.015 - Required parking

A. Minimum parking requirements. The minimum number of off-street motor vehicle parking spaces required for specific uses is set forth in Table A for nonresidential uses other than institutional uses, Table B for residential uses, and Table C for institutional uses, except as otherwise provided in this Section and Section 23.54.020. The minimum parking requirements are based upon gross floor area of a use within a structure and the square footage of a use when located outside of an enclosed structure, or as otherwise specified. Exceptions to the parking requirements set forth in this section are provided in subsection B and in Section 23.54.020, Parking quantity exceptions, unless otherwise specified. This chapter does not apply to parking for construction activity, which is regulated by SMC 23.42.044.

B. Parking requirements for specific zones

1. Parking in downtown zones is regulated by Section 23.49.019 and not by this Section 23.54.015;
2. Parking for major institution uses in major institution overlay zones is regulated by Section 23.54.016 and not by this Section 23.54015; and
3. Parking for motor vehicles for uses located in the Northgate Overlay District is regulated by Section 23.71.016 and not by this Section 23.54015.

* * *

Table B for Section 23.54.015 PARKING FOR RESIDENTIAL USES	
Use	Minimum parking required
A. General Residential Uses	
A. Adult family homes	1 space for each dwelling unit
B. Artist’s studio/dwellings	1 space for each dwelling unit
C. Assisted living facilities	1 space for each 4 assisted living units; plus 1 space for each 2 staff members on-site at peak staffing time; plus 1 barrier-free passenger loading and unloading space
D. Caretaker’s Quarters	1 space for each dwelling unit
E. Congregate residences	1 space for each 4 residents
F. Floating homes	1 space for each dwelling unit
G. Mobile home parks	1 space for each mobile home lot as defined in Chapter 22.904

Table B for Section 23.54.015 PARKING FOR RESIDENTIAL USES	
Use	Minimum parking required
H. Multifamily residential uses, except as provided in Sections B or C of this Table B for Section 23.54.015. (1)	1 space per dwelling unit.
I. Nursing homes (2)	1 space for each 2 staff doctors; plus 1 additional space for each 3 employees; plus 1 space for each 6 beds
J. Single-family residences	1 space for each dwelling unit
B. Residential Use Requirements with Location Criteria	
K. Residential uses in commercial and multifamily zones within urban centers or within the Station Area Overlay District (1)	No minimum requirement
L. Residential uses in commercial and multifamily zones within urban villages, when the residential use is located within 1,320 feet of a street with frequent transit service, measured as the walking distance from the nearest transit stop to the lot line of the lot containing the residential use. (1)	No minimum requirement
LM . Multifamily residential uses within the University of Washington parking impact area shown on Map A for 23.54.015 (1)	1 space per dwelling unit for dwelling units with fewer than two bedrooms; plus 1.5 spaces per dwelling units with 2 or more bedrooms; plus .25 spaces per bedroom for dwelling units with 3 or more bedrooms
MN . Multifamily dwelling units within the Alki area shown on Map B for Section 23.54.015 (1)	1.5 spaces for each dwelling unit
C. Multifamily Requirements with Income Criteria or Location Criteria and Income Criteria	
NO . Low-income elderly multifamily residential uses (1) (3) not located in urban centers or within the Station Area Overlay District	1 space for each 6 dwelling units
OP . Low-income disabled multifamily residential uses (1) (3) not located in urban centers or within the Station Area Overlay District	1 space for each 4 dwelling units
PQ . Low-income elderly/low-income disabled multifamily residential uses (1) (4) (3) not located in urban centers or within in	1 space for each 5 dwelling units

Table B for Section 23.54.015 PARKING FOR RESIDENTIAL USES	
Use	Minimum parking required
the Station Area Overlay District	
<p>(1) The general requirement of line H of Table B for multifamily residential uses is superseded to the extent that a use, structure or development qualifies for either a greater or a lesser parking requirement (which may include no requirement) under any other provision. To the extent that a multifamily residential use fits within more than one line in Table B, the least of the applicable parking requirements applies, except that if an applicable parking requirement in section B of Table B requires more parking than line H, the parking requirement in line H does not apply. The different parking requirements listed for certain categories of multifamily residential uses shall not be construed to create separate uses for purposes of any requirements related to establishing or changing a use under this Title 23.</p> <p>(2) For development within single family zones the Director may waive some or all of the parking requirements according to Section 23.44.015 as a special or reasonable accommodation. In other zones, if the applicant can demonstrate that less parking is needed to provide a special or reasonable accommodation, the Director may, as a Type I decision, reduce the requirement. The Director shall specify the parking required and link the parking reduction to the features of the program that allow such reduction. The parking reductions shall be valid only under the conditions specified, and if the conditions change, the standard requirements shall be met.</p> <p>(3) Notice of Income Restrictions. Prior to issuance of any permit to establish, construct or modify any use or structure, or to reduce any parking accessory to a multifamily residential use, if the applicant relies upon these reduced parking requirements, the applicant shall record in the King County Office of Records and Elections a declaration signed and acknowledged by the owner(s), in a form prescribed by the Director, which shall identify the subject property by legal description, and shall acknowledge and provide notice to any prospective purchasers that specific income limits are a condition for maintaining the reduced parking requirement.</p>	

23.84A.012 - “F”

* * *

“Frequent Transit Service.” See “Transit Service, Frequent.”

* * *

23.84A.038 - “T”

* * *

“Transit Service, Frequent” means transit service headways of 15 minutes or less for at least 12 hours per day, 6 days per week, and transit service headways of 30 minutes or less for at least 18 hours every day.

* * *

SEPA Amendment

25.05.675 Specific environmental policies.

* * *

M. Parking.

1. Policy Background.

a. Increased parking demand associated with development projects may adversely affect the availability of parking in an area.

b. Parking regulations to mitigate most parking impacts and to accommodate most of the cumulative effects of future projects on parking are implemented through the City's Land Use Code. However, in some neighborhoods, due to inadequate off-street parking, streets are unable to absorb parking spillover. The City recognizes that the cost of providing additional parking may have an adverse effect on the affordability of housing.

2. Policies.

a. It is the City's policy to minimize or prevent adverse parking impacts associated with development projects.

b. Subject to the overview and cumulative effects policies set forth in Sections 25.05.665 and 25.05.670, the decisionmaker may condition a project to mitigate the effects of development in an area on parking; provided that:

1) No SEPA authority is provided to mitigate the impact of development on parking availability in the ~~downtown zones~~ Downtown and South Lake Union Urban Centers;

2) ~~In Seattle Mixed (SM) zones, and No SEPA authority is provided for the decisionmaker to require more parking than the minimum required by the Land Use Code~~ mitigate the impact of development on parking availability for residential uses located within:

i. the Capitol Hill/First Hill Urban Center, the Uptown Urban Center, and the University District Northwest Urban Center, except the portion of the Ravenna urban village that is not within one-quarter mile of frequent transit service Village;

ii. and the Station Area Overlay District; and

iii. urban villages within one-quarter mile of frequent transit service ~~no SEPA authority is provided for the decisionmaker to require more parking than the minimum required by the Land Use Code;~~

3) Outside of the areas listed in subsection 25.05.675.M.2.b, ~~Parking~~ parking impact mitigation for multifamily development, except in the Alki area, as described in subsection 25.05.675.M.2.c ~~below~~, may be required only where on-street parking is at capacity, as defined by the Seattle Department of Transportation or where the development itself would cause on-street parking to reach capacity as so defined.

c. For the Alki area, as identified on Map B for 23.45.015, a higher number of spaces per unit than is required by SMC Section 23.54.015 may be required to mitigate the adverse parking impacts of specific multifamily projects. Projects that generate a greater need for parking and that are located in places where the street cannot absorb that need -- for example, because of proximity to the Alki Beach Park -- may be required to provide additional parking spaces to meet the building's actual need. In determining that need, the size of the development project, the size of the units and the number of bedrooms in the units shall be considered.

d. When parking ~~Parking~~ impact mitigation is authorized by this subsection 25.05.675.M, it for projects outside of downtown zones may include but is not limited to:

- 1) Transportation management programs;
- 2) Parking management and allocation plans;
- 3) Incentives for the use of alternatives to single-occupancy vehicles, such as transit pass subsidies, parking fees, and provision of bicycle parking space;
- 4) Increased parking ratios, ~~except for projects located within Seattle Mixed (SM) zones, and residential uses located in, the Capitol Hill/First Hill Urban Center, the University District Northwest Urban Center Village, and the Station Area Overlay District;~~ and

- 5) Reduced development densities to the extent that it can be shown that reduced parking spillover is likely to result; provided, that parking impact mitigation for multifamily development may not include reduction in development density.

* * *

Committee direction on multifamily parking requirements in urban villages:

1B. Related Parking Amendment

If the Committee approves the change to multifamily parking requirements in urban villages, we also would like to propose three related amendments to subsection 23.54.020.F of the Land Use Code. This subsection provides a parking exception that allows a 20% parking reduction for sites within 800 feet of a street with 15 minutes transit headways at midday.

The first change we are recommending is to increase the qualifying distance to the transit service to 1,320 feet (1/4 mile) from 800 feet. As noted above, a quarter mile is the accepted standard for the distance that people will walk to take most forms of transit. This would increase the area on either side of a qualifying transit street by 520 feet, or about one to one and a half blocks.

The second change, which was recommended by SDOT staff, is to use the “frequent transit service” definition for the exception for multifamily and commercial zones. Under the new definition, the same or slightly more areas are likely to qualify for the parking exception. We are not recommending changing the service definition for industrial zones, because there the exception is geared toward peak commute trips, rather than towards uses that generate activity throughout the day.

The third change would be to use the term “transit stop” instead of “bus stop” in the exception. This would clarify that street car stops and other types of transit service would qualify in additions to buses.

The proposed changes to the exception for lots near streets with frequent transit service would read as follows, with new wording shown underlined and deleted text ~~crossed out~~:

23.54.020 - Parking quantity exceptions

* * *

F. Reductions to Minimum Parking Requirements

* * *

2. Transit Reduction:

a. In multifamily and commercial zones, the minimum parking requirement for all uses may be reduced by 20 percent when the use is located within ~~800~~ 1,320 feet of a street with ~~midday~~ frequent transit service ~~headways of 15 minutes or less in each direction.~~ This distance will be the walking distance measured from the nearest ~~bus~~ transit stop to the lot line of the lot containing the use.

b. In industrial zones, the minimum parking requirement for a nonresidential use may be reduced by 15 percent when the use is located within ~~800~~ 1,320 feet of

a street with peak transit service headways of 15 minutes or less ~~in each direction~~. This distance will be the walking distance measured from the nearest ~~bus~~ transit stop to the lot line of the lot containing the use.

* * *

Committee direction on related parking amendments:

On a final note related to parking, we also wanted to follow up on a question raised by Councilmember Bagshaw at the March 10 COBE meeting. She was interested in whether there are any incentives in the Land Use Code for shared vehicles, such as those provided by the Zipcar Company. Such shared cars are available to members for rental by the hour or the day. The Land Use Code does provide an incentive for shared vehicles. In buildings with fewer than 20 parking spaces, each space for a shared vehicle reduces the required parking by one space, or 5%, whichever is less. In buildings with 20 or more parking spaces, each shared vehicle reduced the parking requirement by three spaces, or 15%, whichever is less. We are not proposing any changes to the shared vehicle incentive.

2. Height Limits in Lowrise 3 and Lowrise 4 Multifamily Zones

At previous COBE meetings, you directed staff to work on combining the current L3 and L4 zones into one new Lowrise 3 (LR3) zone, and to investigate increasing the current height limit in L3 zones from 30 feet to 35 or 37 feet. The goals of increasing the height are to encourage better structure design, more livable interior spaces with higher ceiling heights, a greater variety of building types, and encouraging more development in areas targeted for growth.

The height limit in the current L3 zone was lowered in 1989 from 37 feet to 30 feet. This action prohibited the construction of four story buildings in the L3 zone. The height limit in the L4 zone, a category that was created after 1989, is 37 feet, which does permit four stories, although not at optimum floor to ceiling heights.

As you discussed at your last meeting, the optimum structure height allows for up to ten feet from floor to floor (nine feet from floor to ceiling with one foot for structural support). In order to gain four stories within 37 feet, a developer must either reduce floor to ceiling heights, and/or partially bury the first floor below grade. While these options are available in L4 zones, this zone comprises only 211 acres (6%) of all lowrise zoned land. In contrast, 52% of all lowrise zoned land (1,840 acres) is currently zoned L3. Therefore, the height reductions made in 1989 effectively removed four-story apartment buildings as a potential housing type in lowrise multifamily zones.

Our recommendations are summarized in Table 2 below. The table shows the current and proposed height limit that applies from the ground to the top of the structure wall, which we have called the “base height”. In addition, the table shows the current and proposed height exception for pitched roofs, and the proposed exception for accommodating a floor that is partially below grade. Such a floor allows the structure to be elevated above street level to provide more privacy.

Table 2: Comparison of Current and Proposed Height Limits in Lowrise 3 and 4 Zones

Zone Category	Current Base Height Limit	Current Height Limit Exceptions	Proposed Base Height Limit⁽¹⁾	Proposed Height Limit Exceptions	Change to base height limit
Rowhouses and Townhouses					
Lowrise 3	30'	Up to 5 feet for roofs pitched at 4:12	30'; Maximum of 3 stories	Either: Up to 10 feet for a 6:12 pitched roof; OR	None; OR
				Up to 5 feet for roofs pitched at 6:12; AND up to 4 feet to accommodate partially below grade floor	4 foot increase
Lowrise 4	37'	Up to 5 feet for roofs pitched at 4:12	30'; Maximum of 3 stories	Either: Up to 10 feet for a 6:12 pitched roof; OR	7 foot decrease; OR
				Up to 5 feet for roofs pitched at 6:12; AND up to 4 feet to accommodate partially below grade floor	4 foot increase
Apartments Outside Designated Growth Areas⁽²⁾					
Lowrise 3	30'	Up to 5' for roofs pitched at 4:12	37'	Up to 5' for roofs pitched at 6:12	7 foot increase
Lowrise 4	37'	Up to 5' for roofs pitched at 4:12	37'	Up to 5' for roofs pitched at 6:12	None
Apartments Inside Designated Growth Areas⁽²⁾					
Lowrise 3	30'	Up to 5' for roofs pitched at 4:12	40'; Maximum of 4 stories	Up to 5' for roofs pitched at 6:12; OR up to 4' to accommodate partially below grade floor	14 feet increase
Lowrise 4	37'	Up to 5' for roofs pitched at 4:12	40'; Maximum of 4 stories	Up to 5' for roofs pitched at 6:12; OR up to 4' to accommodate partially below grade floor	7 feet increase
⁽¹⁾ On lots that abut a single family zone, the height limit would be 30 feet for a distance of 50 feet from the lot line(s) that abut the single family zone. ⁽²⁾ Designated growth areas are urban centers, urban villages, and station area overlay districts.					

We are proposing to tailor the heights limits in the LR3 zone to the housing type and, for apartments, to location. This is explained below in greater detail. In addition, we recommend that a height limit of 30 feet should apply in all locations to all housing types for a distance of 50 feet from lot lines that abut a single family (SF) zoned lot. Because the height limit in SF zones is 30 feet, this would provide a transition between multifamily and LR3 zones. Note that cottage housing would continue to have an 18 foot height limit, but that this lower-density housing type is not likely to be built in an LR3 zone.

2A. Height Limits for Rowhouses and Townhouses in LR3 zones

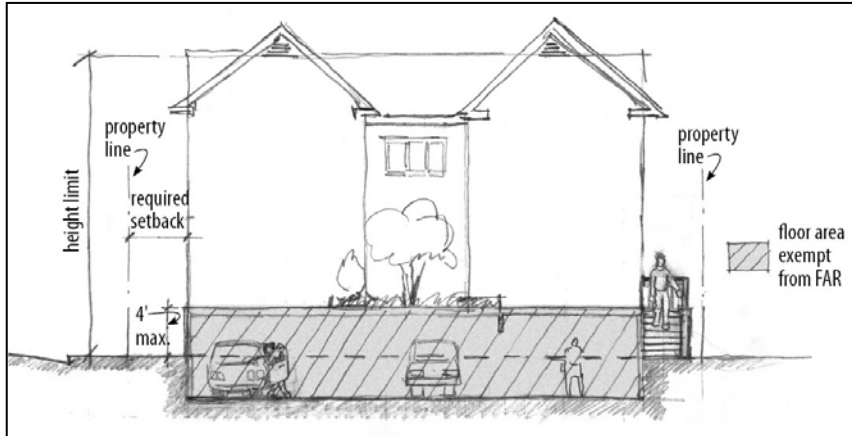
For rowhouses and townhouses, we recommend that there be a maximum height of 30' to the top of the building wall. This would not be a change from the current L3 zone, and would be a decrease of 7 feet in the current L4 zone. However, we also recommend that additional height be allowed if the developer provides desirable design features.

The first option to gain height above 30 feet would be an allowance for an additional 10 feet for a roof that is pitched at a rate of at least 6:12, provided that the building has a maximum of three stories. The photograph below of townhouses in Seattle Authority Authority's High Point development illustrates how this could work. The townhouses are about 30 feet high at the top of the wall, while the pitched roof extends to about 40 feet. The structure provides three floors with generous floor to ceiling heights within this envelope.



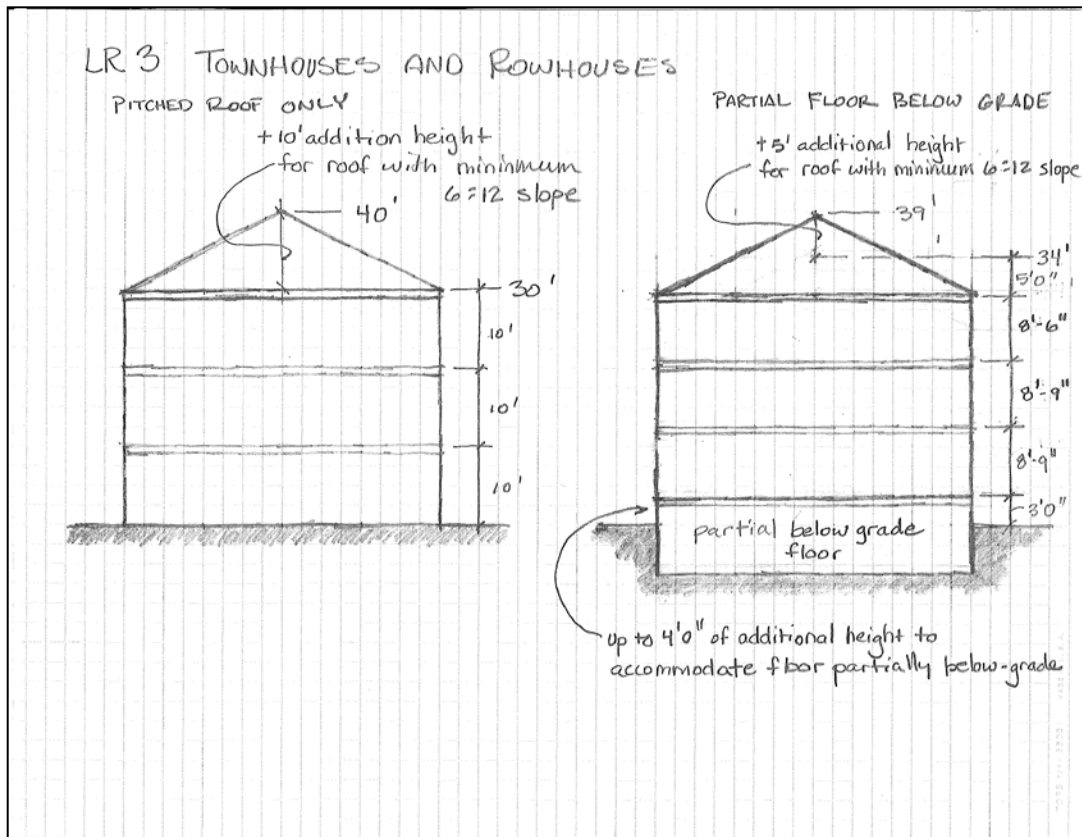
The second proposed option for rowhouses and townhouse to gain additional height is to allow an additional four feet of wall height, so that the main floor of the structure can be elevated above street level without the loss of an upper floor. This provides more privacy for the units, avoiding the need for continuous fencing at the front lot line, and encourages better design features, such as front stoops. It also provides flexibility for sloping sites. A rowhouse or townhouse taking advantage of this exception would be limited to three floors. Diagram 1 below illustrates this idea, which has already been put in place in Midrise zones.

Diagram 1: Illustration of a partially buried first floor, for which a height exception of four additional feet is proposed



In addition to the exception for the partially buried first floor, we recommend that a pitched roof exception be provided. However, if the two exceptions are combined, the pitched roof would only allow five additional feet, not ten. Diagram 2 illustrates both proposed options.

Diagram 2: Options for townhouse and rowhouse height exceptions in LR3 zones



Of the 211 acres currently zoned L4, 94 acres are located in the Seattle Housing Authority's (SHA) High Point development in West Seattle. While the proposed height limit of 30 feet is lower than the 37 feet that is now allowed there, we believe that the options we have proposed for desirable design features would provide SHA with the flexibility they need. In fact, our recommendations have been developed using examples from High Point, as shown above.

2B. Height Limits for Apartments in LR3 zones

As shown on Table 2, we are proposing different heights for apartments in LR3 zones, depending on whether they are located in or out of a designated growth area (urban centers, urban villages and station area overlay districts). The proposed height limits reflect the floor area ratio (FAR) limits that we will be proposing next week, which would allow greater development potential inside designated growth areas.

Outside of designated growth areas, the proposed base height limit for apartments (measured from grade to the top of the wall) would result in a seven foot height increase for L3 zones, and no change for L4 zones. Inside designated growth areas, our recommendation would result in a base height increase in current L3 zones of ten feet, or 14 feet if the proposed four foot increase for a partial floor is included. For L4 zones, it would be an increase of three feet, or seven feet if the proposed four foot increase for a partial floor is included. Diagrams 3 and 4 below illustrate options for apartment development inside and outside of designated growth areas.

Diagram 3: Proposed Height for Apartments outside of designated growth areas

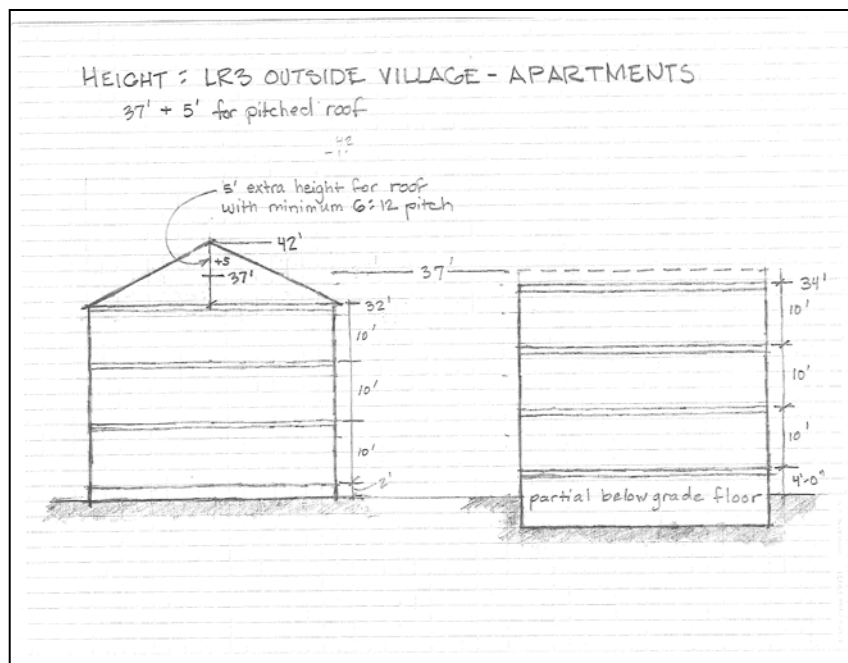
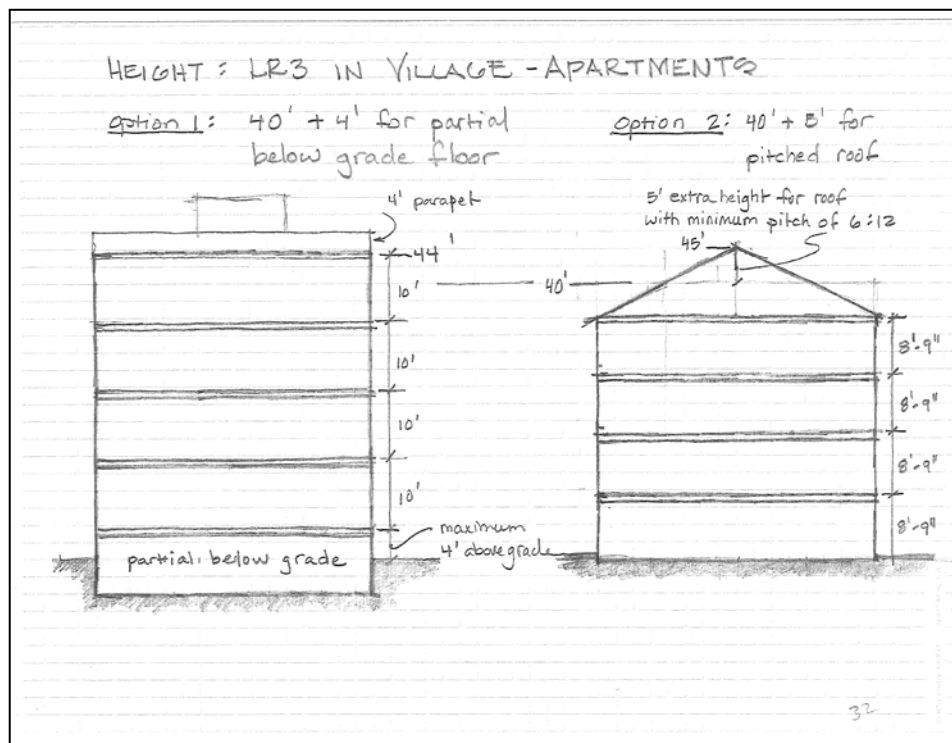


Diagram 4: Proposed Height for Apartments inside designated growth areas



These recommendations support the goal of making it possible again to build four-story apartment buildings in the densest lowrise multifamily zones, while encouraging desirable design features. The proposed height and FAR limits would work together to allow somewhat larger buildings in LR3 zones inside designated growth areas.

The Planning Commission supports increasing the height limit in the current L3 zones to at least 37 feet, although they have not had a chance to comment on the idea of differentiating between housing types, or areas inside and outside designated growth areas.

The following code language would implement the staff recommendations for height limits in the new lowrise zones. It reflects the direction you gave at the last Committee meeting for heights in LR1 and LR2 zones, and the recommendations presented in this memo. New wording shown underlined and deleted text ~~crossed out~~.

23.45.514 Structure height in Midrise and Highrise zones

A. Subject to the additions and exemptions allowed as set forth in this Section 23.45.514, structure heights permitted in Lowrise zones are as shown on Table A for 23.45.514, and the Bbase and maximum structure heights permitted in Midrise and Highrise zones are as shown in Table AB for 23.45.514, ~~subject to the additions and exemptions allowed as set forth in this~~

Section 23.45.514. The maximum height for accessory structures, except accessory dwelling units, is 12 feet.

Table A for 23.45.514: Structure Height for Lowrise Zones

	<u>Cottage Housing</u>	<u>Rowhouses</u>	<u>Townhouses</u>	<u>Apartments</u>
<u>LR1</u>	<u>18'⁽¹⁾</u>	<u>30'</u>	<u>30'</u>	<u>30'</u>
<u>LR2</u>	<u>18'⁽¹⁾</u>	<u>30'</u>	<u>30'</u>	<u>30'</u>
<u>LR3</u>	<u>18'⁽¹⁾</u>	<u>30'</u>	<u>30'</u>	<u>37' or 40'⁽²⁾⁽³⁾</u>

⁽¹⁾ The height limit is 20 feet for carriage house dwelling units located above a garage and other accessory dwelling units meeting the standards in this Chapter.
⁽²⁾ For apartments on lots that abut a single family zone, the height limit is 30 feet for a distance of 50 feet from the lot line(s) that abut the single family zone.
⁽³⁾ The higher height limit applies in urban centers, urban villages, and station area overlay districts.

Table AB for 23.45.514: Structure Height for Midrise and Highrise Zones

	MR	MR/85	HR
Base height limit	60'	85'	160'
Maximum height limit if extra residential floor area is gained under Chapter 23.58A and Section 23.45.516	75'	85'	240' or 300'

B. In LR3 zones, the height limit may be increased by 4 feet if the number of stories in the structure that are more than 4 feet above existing or finished grade, whichever is lower, does not exceed three for rowhouses and townhouses and four for apartments.

* * *

D. In LR3 zones the ridge of pitched roofs on principal structures may either:

1. extend up to ten feet above the maximum height limit for rowhouses and townhouses that do not use the height exception provided in 23.45.514.B; or
2. extend up to five feet above the maximum height limit for rowhouses and townhouses that use the height exception provided in 23.45.514.B; or.
3. Extend up to five feet above the maximum height limit for apartments.

All parts of the roof above the height limit established in Table A for 23.45.514 shall be pitched at a rate of not less than 6:12).

* * *

The following code section would be deleted:

~~23.45.009 Structure height -- Lowrise zones.~~

~~A. Maximum Height. The maximum height permitted for all structures, except for cottage housing developments, shall be as follows:~~

~~—Lowrise Duplex/ Triplex — Twenty five (25) feet~~

~~—Lowrise 1 — Twenty five (25) feet~~

~~—Lowrise 2 — Twenty five (25) feet~~

~~—Lowrise 3 — Thirty (30) feet~~

~~—Lowrise 4 — Thirty seven (37) feet.~~

Committee direction on changing the height limits in L3 and L4 zones

Next Steps

At the next Committee meeting on March 25, we will present further recommendations on height exceptions, and propose FAR limits for lowrise zones.

Attachment A: Map of urban villages with frequent transit service



Legislative Department
Seattle City Council
Memorandum

Date: March 25, 2010

To: Councilmember Sally J. Clark, Chair
Councilmember Tim Burgess, Vice Chair
Councilmember Sally Bagshaw, Member
Committee on the Built Environment (COBE)

From: Rebecca Herzfeld and Michael Jenkins, Council Central Staff

Subject: March 25, 2010 Special COBE Meeting: Updates to Multifamily Zones

To continue the review of regulations for Lowrise (LR) multifamily zones, we are requesting direction from the Committee on two topics that were first discussed at your meeting on March 20, and two additional topics:

1. Parking requirements for multifamily housing in urban villages
2. Height limits for Lowrise 3 and Lowrise 4 zones
3. Height exceptions in LR zones
4. Floor Area Ratio (FAR) and density limits in LR zones

For the first two topics, we have included the March 20th staff memo in your Committee notebooks. The second two items are addressed below.

3. Height exceptions in Lowrise zones

As part of your discussion of height limits in LR3 zones, you began to address what height exceptions should be permitted in Lowrise zones, including allowances for pitched roofs and for partially buried first floors. Today we are presenting our recommendations for height exceptions for all LR multifamily zones.

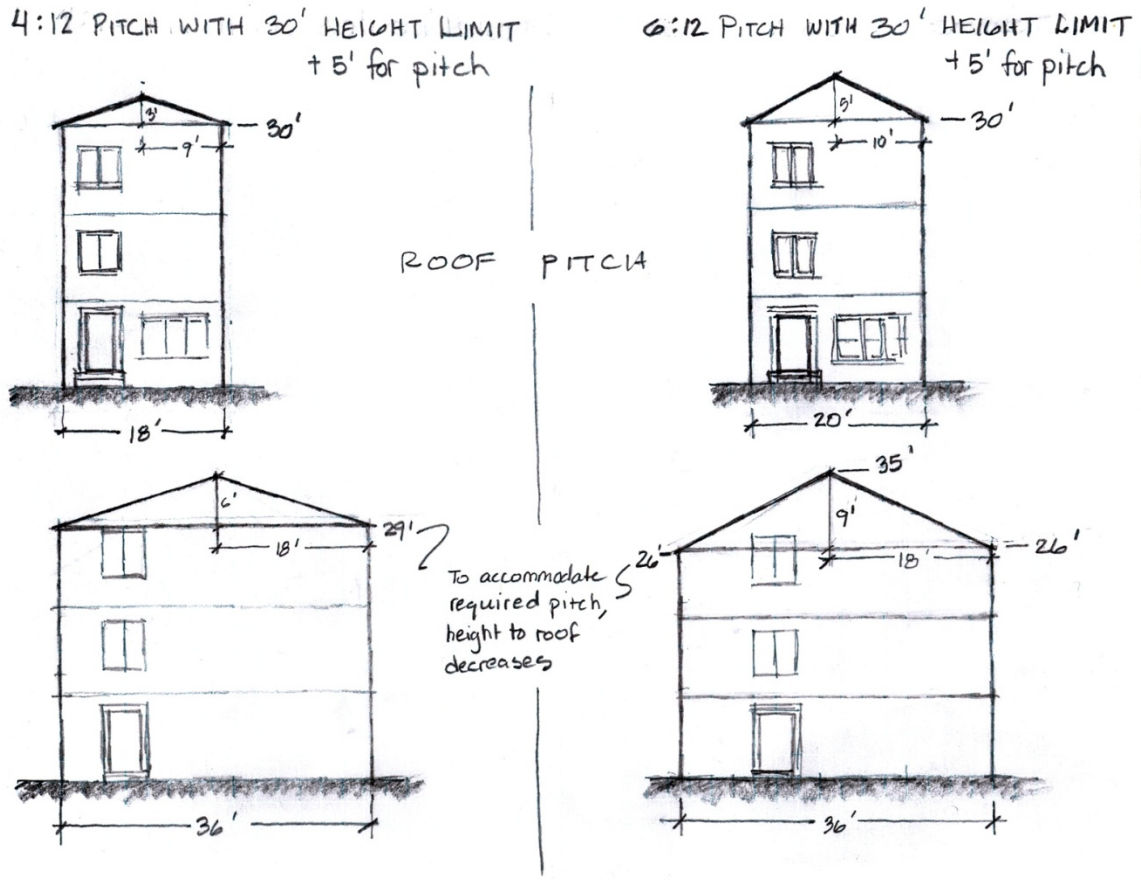
3A. Pitched roof height exceptions

The current code provides a height exception for pitched roofs in LR zones, to encourage a variety of roof forms and help match the character of existing neighborhoods. For zones with 25 foot height limits, and for cottage housing, which has an 18 foot height limit, the exception allows either an additional 10 feet for pitched roofs with a minimum slope of 6:12, or an additional 5 feet for roofs with a shallower pitch of 4:12. In LR zones with height limits of 30' or 37', the current exception allows 5 more feet for a roof with a 4:12 pitch.

Minimum roof slope

At community meetings about the proposed changes to the multifamily regulations, Department of Planning and Development (DPD) staff heard that people did not like the appearance of structures with the shallow pitched roofs that are encouraged by current code. It was widely held

that the 4:12 roof pitch results in structures that do not fit in and can even detract from the neighborhood. In response, DPD staff recommended that *all* pitched roof exceptions require a minimum roof slope of 6:12, and we support their recommendation. The diagram below highlights the difference between a 4:12 and a 6:12 roofline on a 30 foot tall structure. The drawings show buildings with simple roofs, but compound roofs with multiple peaks and valleys are also possible design solutions.



Amount of pitched roof height exception

In early March, COBE directed that the height limit in the current Lowrise Duplex Triplex (LDT), Lowrise 1 (L1), and L2 zones be raised from 25 feet to 30 feet. Because of this increase, we believe that the option of going up ten feet with a pitched roof is no longer needed to help provide a workable third floor. We recommend that the pitched roof exception in these areas allow an additional 5 feet, at a pitch of 6:12.

We also recommend that cottage housing have a 7 foot exception for a pitched roof, rather than the current 10 feet. The ten foot exception was provided as a trade-off for limiting the upper floor of a cottage unit to 350 square feet. We are proposing to lift this limit to provide design flexibility (cottages are already limited to a maximum footprint of 650 square feet). Carriage housing units located on top of garages at the back of a lot would be allowed a similar 7 foot exception for a pitched roof. Table 1 below summarizes the staff recommendation for pitched roofs for all housing types in LR zones.

Table 1: Proposed Height Limits and Pitched Roof Exceptions⁽¹⁾

Zone	Cottage Housing & Carriage Housing		Rowhouses		Townhouses		Apartments	
	Base Height	Height for Pitched roof	Base Height	Height for Pitched roof	Base Height	Height for Pitched roof	Base Height	Height for Pitched roof ⁽⁴⁾
LR1	18'	7'	30'	5'	30'	5'	30'	5'
LR2	18'	7'	30'	5'	30'	5'	30'	5'
LR3	18'	7'	30'	5'	30'	5' or 10' ⁽²⁾	37' or 40' ⁽³⁾	5'

⁽¹⁾To qualify for the pitched roof exception, the pitch must be a minimum of 6:12

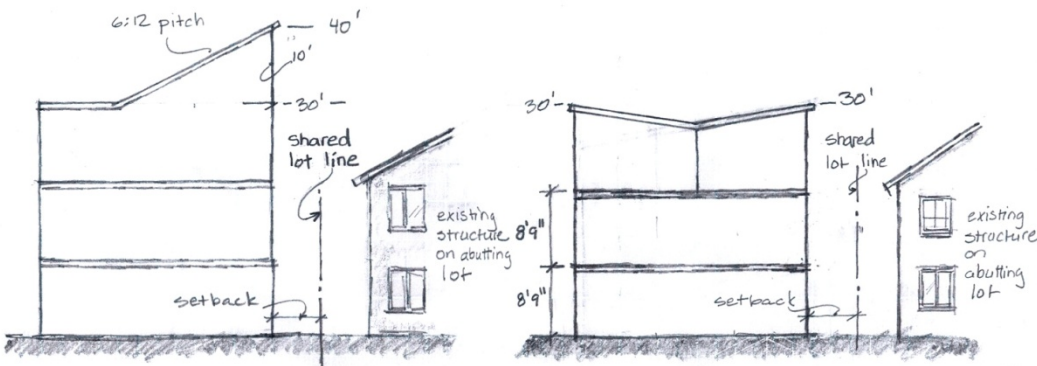
⁽²⁾The 10 foot exception applies when the project does not use the exception allowing up to 4 feet for a partially below-grade first floor; otherwise, the 5 foot exception applies.

⁽³⁾Outside of urban centers, urban villages and station areas, the height limit is 37 feet; inside those areas, it is 40 feet. Additional height up to 4 feet is permitted for partially below-grade floor.

⁽⁴⁾The 5 foot pitched roof exception only applies when the project does not use the exception allowing up to 4 feet for a partially below-grade first floor.

Shed and butterfly roofs

A question was raised during the public comment period at the COBE meeting on March 20th about whether shed and butterfly roofs should qualify for the pitched roof exception. Currently, they do not currently qualify. We recommend against adding an outright exception for them, because such rooflines can result in the location of walls near the property line that are much higher than the regular height limit, as illustrated in the diagram below. The direction given by the Committee to raise the general height limits in LR zones would make it easier to build shed and butterfly roofs without the need for a special exception. If the Committee would like us to further analyze this issue, we recommend that you consider allowing a height exception for these roof forms through the design review process, rather than an exception that is permitted outright.



Undesirable condition of high-side of butterfly or shed roof facing neighboring lot

Butterfly roof within 30' height limit

The proposed amendments to the Land Use Code for pitched roof exceptions would read as follows, with new wording shown underlined and deleted text ~~crossed out~~. To make it easier to see what would be changed, the amendments are shown to the Code section that now applies only to LR zones. In the final legislation, the height regulations for all multifamily zones would be combined in Section 23.45.514.

23.45.009 - Structure height —Lowrise zones

* * *

CD. Pitched Roofs.

~~1. Except for cottage housing developments, in Lowrise Duplex/Triplex, Lowrise 1 and Lowrise 2 zones the ridge of pitched roofs on principal structures with a minimum slope of six to twelve (6:12) may extend up to thirty five (35) feet. The ridge of pitched roofs on principal structures with a minimum slope of four to twelve (4:12) may extend up to thirty (30) feet. All parts of the roof above twenty five (25) feet shall be pitched. (See Exhibit 23.45.009 A.)~~

~~2. In cottage housing developments, the ridge of pitched roofs with a minimum slope of six to twelve (6:12) may extend up to twenty eight (28) feet. The ridge of pitched roofs with a minimum slope of four to twelve (4:12) may extend up to twenty three (23) feet. All parts of the roof above eighteen (18) feet shall be pitched.~~

~~3. In Lowrise 3 and Lowrise 4 zones the ridge of pitched roofs on principal structures may extend up to five (5) feet above the maximum height limit. All parts of the roof above thirty (30) feet in Lowrise 3 zones and thirty seven (37) feet in Lowrise 4 zones shall be pitched at a rate of not less than four to twelve (4:12). (See Exhibit 23.45.009 B.)~~

~~4. No portion of a shed roof shall be permitted to extend beyond the maximum height limit under this provision.~~

1. Additional height is permitted for a pitched roof above the height limit when all parts of the roof above the applicable height limit have a minimum slope of 6:12 and:

a. No portion of a shed or butterfly roof extends beyond the height limit under this provision;

b. Roof forms including but not limited to barreled and domed roofs may be allowed under this subsection 23.45.514.D if the Director determines that the roof form is in keeping with the massing of a pitched roof form such as a gable or gambrel roof that would otherwise be allowed by this subsection 23.45.415.D; and

c. Rooftop features are permitted pursuant to subsection 23.45.514.E (this subsection lists exceptions for features such as chimneys and elevators) in addition to the height allowance of subsection 23.45.514.D.

2. In LR1 and LR2 zones, the ridge of pitched roofs on principal structures may extend up to 5 feet above the height limit when the requirements of subsection 23.45.514.D.1 are met.

3. In LR3 zones, when the requirements of this subsection 23.45.514.D.1 are met, the ridge of pitched roofs on principal structures may either:

a. extend up to ten feet above the height limit for rowhouses and townhouses that do not use the height exception provided in 23.45.514.B (this is the exception for a partially buried first floor); or

b. extend up to five feet above the height limit for rowhouses and townhouses that use the height exception provided in 23.45.514.B; or

c. Extend up to five feet above the height limit for apartments.

4. In LR zones, for structures that include accessory units above enclosed parking in a rowhouse development according to the provisions of subsection 23.45.5XX.B, and for carriage units in a cottage housing development, the ridge of pitched roofs may extend up to 7 feet above the height limit when the requirements of subsection 23.45.514.D.1 are met.

* * *

Committee direction on pitched roof height exceptions:

1B. Height Exceptions for Rooftop Features

The Code currently provides height exceptions in LR zones for a variety of features, including solar collectors and elevator penthouses. We recommend that the allowances for these feature be continued. In addition, we recommend adding the same exceptions that were approved by the Council last year for Midrise and Highrise zones. These include exceptions for green building features, such as a two foot exception for green roofs, a ten foot exception for wind-driven power generators, and permission for solar collectors not taller than four feet to be located on top of penthouse structures; and an exception for sloped roofs hidden by a parapet.

We are also recommending that dormers and clerestories be permitted as rooftop features, within the height limit allowed for pitched roofs. They are traditional architectural features located on roofs that can allow more usable floor space inside a structure, without visually increasing the appearance of building bulk, as would occur if an additional floor with vertical walls were

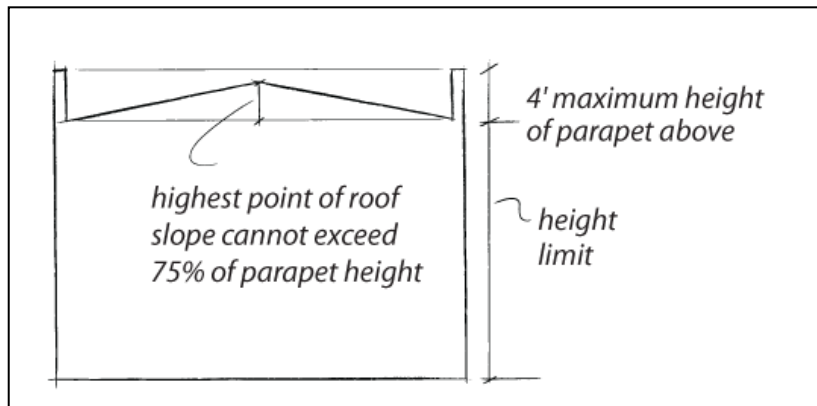
allowed. Dormers and clerestories have also been used to add visual interest to a roof. These same provisions were adopted in October 2008 for residential structures in single family zones.

The proposed amendments to the Land Use Code for exceptions for rooftop features in LR zones would read as follows, with new wording shown underlined and deleted text ~~crossed out~~:

23.45.009 - Structure height —Lowrise zones

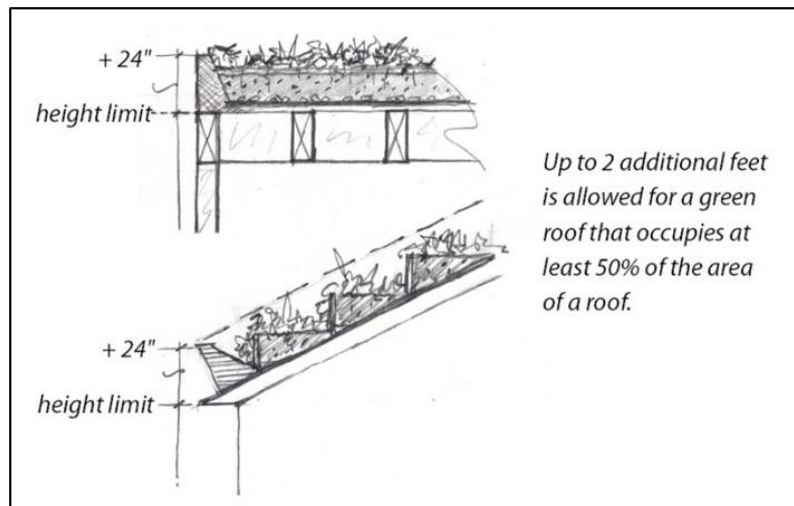
E. Roofs enclosed by a parapet. To promote adequate drainage, portions of a roof that are completely surrounded by a parapet may exceed the height limit to allow for a slope, provided that the highest point of the slope does not exceed the height limit by more than 75 percent of the height of the parapet. See Exhibit B for 23.45.514.

Exhibit B for 23.45.514: Height Allowance for Sloped Roofs Concealed by a Parapet



F. Green roofs. For any structure with a green roof meeting the provisions of Section 23.45.524 and having a minimum rooftop coverage of 50 percent, up to 24 inches of additional height above the height limit is allowed to accommodate structural requirements, roofing membranes, and soil. See Exhibit C for 23.45.514.

Exhibit C for 23.45.514: Green Roof Height Allowance



G. Rooftop Features.

1. Flagpoles and religious symbols for religious institutions are exempt from height controls, except as regulated in Chapter 23.64, Airport Height Overlay District, provided they are no closer than 50 percent of their height above existing grade or, if attached only to the roof, no closer than 50 percent of their height above the roof portion where attached, to any adjoining lot line.

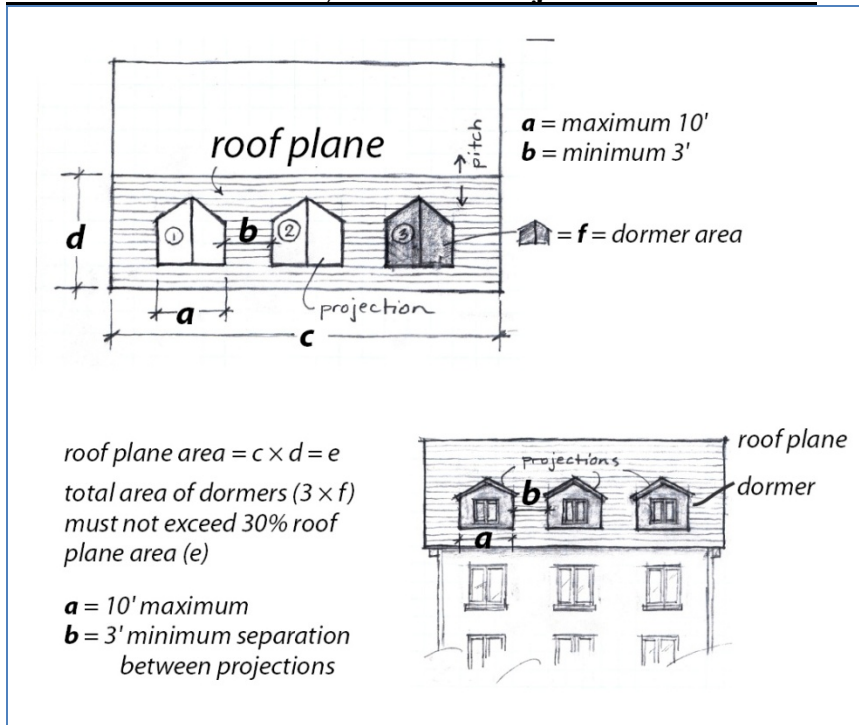
2. Projections that accommodate windows and result in additional interior space, including dormers (see Exhibit D for 23.45.514), clerestories, skylights, and greenhouses, may extend to the ridge of a pitched roof permitted pursuant to subsection 23.45.514.D, or 4 feet above the applicable height limit pursuant to subsection 23.45.514.A, whichever is higher, if all of the following conditions are satisfied:

a. the total area of these projections is limited to 30 percent of the area of each roof plane measured from the plan view perspective;

b. On pitched roofs, projections are limited to 10 feet in width with a minimum separation of 3 feet from other projections; and

c. On flat roofs, projections are set back at least 4 feet from exterior walls.

Exhibit D for 23.45.514, Permitted Projections for Dormers



~~23. Open railings, planters, skylights, clerestories, greenhouses, parapets and firewalls may extend no higher than the ridge of a pitched roof permitted under subsection C above or 4 feet above the maximum height limit set in subsection 23.45.009.A. For cottage housing development, these rooftop features may extend 4 feet above the 18 foot height limit. Except in cottage housing developments, open railings, planters, parapets and firewalls may extend to the height of the ridge of a pitched roof permitted pursuant to subsection 23.45.514.B, or 4 feet above the applicable height limit set in subsections 23.45.514.A, B, or C, whichever is higher.~~

~~34. For cottage housing developments, open railings, planters, skylights, clerestories, greenhouses, parapets, firewalls, and chimneys may exceed the 18 foot height limit by 4 feet or may extend 4 feet above the ridge of a pitched roof, whichever is higher. The exceptions in subsection 23.45.514.G.5 do not apply to cottage housing.~~

~~45. Except in cottage housing developments, In LR zones, the following rooftop features may extend 10 feet above the height limit set in ~~subsection 23.45.009.A~~ subsections 23.45.514.A and B, so long as the combined total coverage of all features does not exceed 15 percent of the roof area or 20 percent of the roof area if the total includes screened mechanical equipment. In MR and HR zones, the following rooftop features may extend 15 feet above the applicable height limit set in subsection 23.45.514.A and C, so long as the combined total coverage of all features does not exceed 20 percent of the roof area or 25 percent of the roof area if the total includes screened mechanical equipment:~~

- ~~a. Stair and elevator penthouses;~~
- ~~b. Mechanical equipment~~
- ~~be. Play equipment and open-mesh fencing which encloses it, so long as the fencing is at least 5 feet from the roof edge;~~
- ~~cd. Chimneys;~~
- ~~d. Sun and wind screens;~~
- ~~e. Penthouse pavilions for the common use of residents in MR and HR zones;~~
- ~~f. Greenhouses that meet minimum energy standards administered by the Director; and~~
- ~~g. Wind-driven power generators; and~~

h. Stair and elevator penthouses, except that when additional height is needed to accommodate energy-efficient elevators in LR and MR zones, elevator penthouses may extend the minimum amount necessary to accommodate energy-efficient elevators, up to 16 feet above the applicable height limit, subject to administrative design review approval pursuant to Section 23.41. When additional height is needed to accommodate energy-efficient elevators in HR zones, elevator penthouses may extend the minimum amount necessary to accommodate energy-efficient elevators, up to 25 feet above the applicable height limit. Energy-efficient elevators shall be defined by Director's Rule. When additional height is allowed for an energy-efficient elevator, stair penthouses may be granted the same additional height if they are co-located with the elevator penthouse.

~~e. Minor communication utilities and accessory communication devices, except that height is regulated according to the provisions of Section 23.57.011.~~

6. For height exceptions for solar collectors, see Section 23.45.545.D.

7. In order to protect solar access for property to the north, the applicant shall either locate the rooftop features listed in this subsection 23.45.514.F at least 10 feet from the north edge of the roof, or provide shadow diagrams to demonstrate that the proposed location of such rooftop features would shade property to the north on January 21st at noon no more than would a structure built to maximum permitted bulk:

a. Solar collectors;

b. Planters;

c. Clerestories;

d. Greenhouses;

e. Minor communication utilities and accessory communication devices, permitted according to the provisions of Section 23.57.011;

f. Nonfirewall parapets;

g. Play equipment;

h. Sun and wind screens;

i. Penthouse pavilions for the common use of residents.

8. For height limits and exceptions for communication utilities and devices, see Section 23.57.011.

Committee direction on height exceptions for rooftop features:

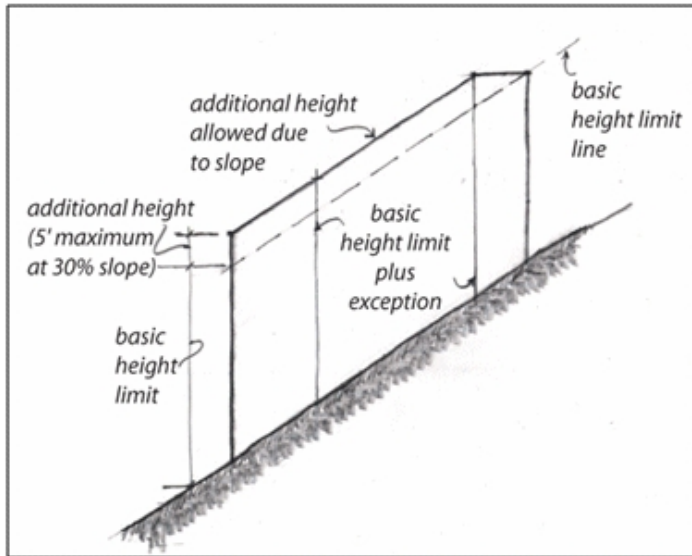
1C. Eliminate the sloping lot height exception in all zones

The current code provides an exception that allows structures on sloping lots to regain a maximum of five feet of height would be lost because of the current method of measuring height. Due to the direction given earlier by the COBE to switch to the shoreline height measurement technique, this exception is no longer needed. We are proposing that it be eliminated in all the zones where it currently applies. In multifamily zones, the following language and exhibit would be deleted:

23.45.009 - Structure height —Lowrise zones

* * *

~~E. Sloped Lots. Additional height shall be permitted for sloped lots, at the rate of one (1) foot for each six (6) percent of slope, to a maximum of five (5) feet. The additional height shall be permitted on the downhill side of the structure only, as described in Section 23.86.006 C.~~

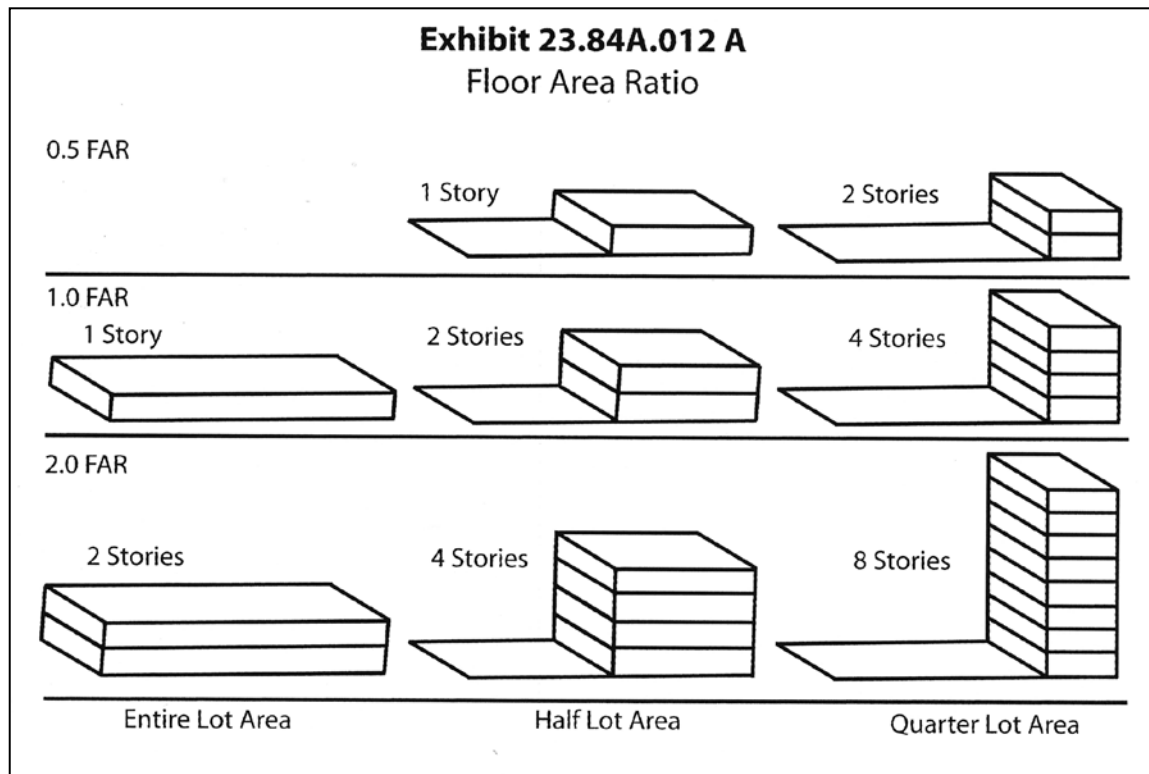


Committee direction on deleting the sloped lot height exception:

2. Discussion of Floor area ratio (FAR) and density limits

2A. FAR Limits

DPD's 2009 proposal recommended that buildings in LR zones be regulated by an FAR limit. 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. For example, a building with 20,000 square feet on a 10,000 square foot site would have an FAR of 2 (20,000 divided by 10,000). FAR has been used in downtown and industrial zones for over 30 years. FAR was added 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. The diagram below from the Land Use Code illustrates how structures with the same FAR can look very different.



FAR limits provide more design flexibility than other types of development regulations. For example, if the massing of a project results in greater floor area at the lower levels of a building and less at higher levels, the result may be reduced shadows and more sunlight on surrounding properties, and less view blockage. As suggested by the drawing, reducing the footprint of the structure in exchange for a taller building can provide ground floor open space. The use of FAR to control bulk would allow more flexibility for how units are arranged on a site.

Table 2 summarizes the FAR limits proposed by DPD last year for LR zones. The proposal was based on comparing the FARs of development prototypes using the current and proposed regulations to the FARs of actual multifamily projects built between 1996 and 2006. The DPD recommendations were not intended to increase development potential.

Table 2: FAR Limits Proposed by DPD in 2009 for Lowrise Zones

	LDT	L1	L2	L3	L4
Permitted FAR	1.0	1.1	1.2	1.4	2.0
Maximum FAR when affordable housing is provided	N.A.	N.A.	N.A.	2.0	N.A.

Since DPD made its proposal, the Committee has directed staff to use housing types as the basis for the LR zone regulations. We are now proposing to set FAR limits by housing type, and to increase the FAR limits for projects that provide desirable design features. For example, projects that provide a significant amount of ground level open space, common enclosed parking, and orientation of front entrances to the street could gain a higher FAR limit, in part because some of these features can be expensive or difficult to provide. Setting the FAR limit higher for more desirable structures also signals the Council’s support for these types of developments.

The other change in the original DPD recommendation is that an affordable housing incentive would not apply in LR zones. This change is based on direction given by the Committee in February. Instead, higher FAR would be allowed within growth areas (Urban Villages, Urban Centers, and Station Area Overlay Districts). The FAR limits in the new staff proposal, shown in Table 3, are either the same as the limits in the DPD 2009 proposal or, for some housing types, slightly higher (by 0.1 FAR).

Table 3: New staff proposal for Floor Area Ratios in Lowrise Zones

Zone		Housing Type			
	Growth Areas	Cottage Housing	Rowhouse	Townhouse	Apartment
LR1	Not Applicable	1.1	1.1 or 1.2 ⁽¹⁾	1.0 or 1.1 ⁽²⁾	1.0 (duplex or triplex only)
LR2	Outside	1.1	1.1 or 1.2 ⁽¹⁾	1.1 or 1.2 ⁽²⁾	1.2
	Inside	1.1	1.2 or 1.3 ⁽¹⁾	1.1 or 1.2 ⁽²⁾	1.2 or 1.3 ⁽³⁾
LR3	Outside	1.1	1.3 or 1.4 ⁽¹⁾	1.2 or 1.3 ⁽²⁾	1.4 or 1.5 ⁽³⁾
	Inside	1.1	1.3 or 1.4 ⁽¹⁾	1.2 or 1.3 ⁽²⁾	1.5 or 2.0 ⁽⁴⁾

⁽¹⁾FAR may be increased by .1 for a rowhouse development that includes one or more accessory units.
⁽²⁾FAR may be increased by .1 for a townhouse development that provides design features specified in the Code, including common enclosed parking, orientation of front entrances to the street, and ground level open space.
⁽³⁾FAR may be increased by .1 for an apartment that provides specified design features.
⁽⁴⁾FAR may be increased by .5 for an apartment that provides specified design features.

The four diagrams attached to this memo illustrate how prototypes of different housing types could look in the different LR zones under the proposed new FAR and height limits. Before deciding on what FAR limits should be, it is important to understand how they may relate to an existing regulation—density limits.

2B. Density Limits

Currently used in LR zones, density limits are used to define the number of units that can be built on a site. For example, in L3 zones, one dwelling unit is allowed for every 800 square feet of lot area. On a typical 5,000 square foot lot the maximum number of units would be 6 units. While the number of units in a development is also controlled *indirectly* by limits on height, bulk, setbacks, open space, and minimum parking requirements, density limits cap the number of units allowed on each lot.

In 2009, DPD recommended that density limits continue to apply in LDT, L1, and L2 zones in addition to new FAR limits. DPD recommended that the density limits be set at the same levels that have applied in those zones since 1989, as shown in Table 4.

Table 4: Density Limits Proposed by DPD in 2009 for LDT, L1 and L2 Zones

	LDT Zone	L1 Zone	L2 Zone
Density Limit	No change: 1 unit/2,000 sq. ft. of lot area (no more than 3 units per structure)	No change: 1 unit/1,600 sq. ft. of lot area	No change: 1 unit/1,200 sq. ft. of lot area

DPD recommended eliminating the density limits in the current L3 and L4 zones, and relying on FAR limits and other development standards to manage both bulk and density in those zones. The current density limits are 1 unit/800 square feet in L3 zones, and 1 unit/600 square feet in L4 zones.

As with the FAR limits, given the Committee's direction to regulate structures by housing type, DPD staff have provided an alternative density proposal. This approach provides an opportunity to either encourage or discourage certain housing types depending on the zone. For example, rowhouses are not proposed to have a density limit, in order to make them more competitive with townhouses. As proposed for FAR limits, there would also be density limits on autocourt townhouses, but not on townhouses that provide desirable design features that would be defined in the Code (the lowest density LR zone would retain a density limit). The proposal also differentiates between areas inside and outside growth areas. Table 5 summarizes the new proposal.

Table 5: New staff proposal for Density Limits in Lowrise Zones

Zone		Housing Type				
	Growth Areas	Cottage Housing	Rowhouse	Townhouses that provide specified design features ⁽²⁾	Townhouses that don't provide specified design features (Autocourt) ⁽²⁾	Apartment ⁽³⁾
Units per square foot of lot area						
LR1	Not Applicable	1/1600 ⁽¹⁾	No limit	1/1600	1/2000	duplexes and triplexes only
LR2	Outside	1/1600 ⁽¹⁾	No limit	No limit	1/2000	1/1200
	Inside	1/1600 ⁽¹⁾	No limit	No limit	1/2000	1/1200
LR3	Outside	1/1600 ⁽¹⁾	No limit	No limit	1/2000	1/800
	Inside	1/1600 ⁽¹⁾	No limit	No limit	1/2000	1/600

⁽¹⁾A limited number of associated carriage house units would not count toward the density limit.
⁽²⁾Design features would be specified in the Code and include common enclosed parking, orientation of front entrances to the street, and ground level open space.
⁽³⁾Apartments that provide specified design features are not subject to a density limit.

The question before the Committee is whether to apply FAR limits to LR zones, and if so, whether the FAR limits should replace the current density limits, or be applied in addition to them and in what manner.

Next Steps: At the next COBE meeting, staff will respond to direction given today on FAR and density limits. We will also provide recommendations on setbacks, landscaping and open space requirements, and start the discussion about unit lot subdivisions.

Attachment: Diagrams of multifamily prototypes in LR zones based on new staff proposal for FAR and density limits