

Existing and Proposed Development Regulations in Lowrise (LR) Zones

		Current Land Use Code Provisions	Department of Planning and Development (DPD) Proposed Amendments, May 2014	Councilmember O'Brien's Proposed Amendments (Council Bill 118385), May 2015
1.	Inclusion of unenclosed, exterior spaces in floor area ratio (FAR) calculations	<p>All "gross floor area" (GFA) is included in chargeable FAR. GFA is defined as being bounded by the "inside surface of the exterior wall."</p> <p>Since the new Lowrise zoning standards became effective in December 2010, many more apartment buildings have used exterior stairs and walkways than in the past. These "1950s-style" exterior corridors do not count in GFA, and allow the building to be larger than anticipated.</p> <p>In addition, some buildings provide corridors that are completely enclosed except for a lattice screen at one end. DPD does not count the area of these interior corridors towards GFA, because the screen is not considered an exterior wall. This has led to unanticipated FAR increases of 15% to 27% in some projects.</p>	<p>Include all unenclosed exterior stairs, hallways, and breezeways in chargeable FAR.</p>	<p>Include unenclosed exterior stairs, hallways, and breezeways in chargeable FAR, unless they meet Building Code requirements for egress balconies or exterior exit stairways.</p> <p>An egress balcony must be at least 50% open on the long side of the corridor, and exit stairways must be at least 50% open on one side, with a required minimum amount of open area.</p>
2.	Area limit for clerestories	<p>Clerestories, like most architectural rooftop features, are allowed to extend 4' above the maximum height. However, unlike other similar features, there is no limit to how much of the roof they can cover. As a result, the clerestory exemption has had greater impacts on building height and bulk than anticipated. DPD has identified several buildings that used the clerestory provision and appear to have five stories as viewed from one or more exterior angles. The use of clerestories has also resulted in more units with lofts, particularly on the top floors of buildings.</p>	<p>Limit clerestories and similar rooftop features to 30% of the area of the roof.</p> <p>Include all finished interior spaces with a floor-to-ceiling clearance greater than 3', such as lofts, in GFA calculations.</p>	<p>Limit clerestories and similar rooftop features to 30% of the area of the roof.</p> <p>Do not add a provision that all finished interior spaces with a floor-to-ceiling clearance greater than 3' count toward GFA.</p>
3.	Passive House qualification for FAR increase	<p>Projects can qualify for higher FAR if they meet one of three sets of green building performance standards:</p> <ul style="list-style-type: none"> • Leadership in Energy and Environmental Design (LEED) Silver rating; • Built Green 4-star rating of the Master Builders Association of King and Snohomish Counties; and • Washington Evergreen Sustainable Development Standards (for affordable housing projects). 	<p>No change from current standards.</p>	<p>Add certification by the Passive House Institute U.S. as an option for qualifying for higher FAR.</p>
4.	FAR and height exemptions for partially-buried floors	<p>Currently, a 4' height allowance is available for apartments in LR2 zones and all types of multifamily development in LR3 zones if the building includes a partially below-grade story. The intent of this allowance was to:</p> <ul style="list-style-type: none"> • encourage stoops and porches along the street front; • raise the building's first level to increase privacy; and • allow a partial basement for parking or lower-cost housing. <p>The area in the partially below-grade story is generally also exempted from FAR.</p>	<p>Eliminate the FAR and height exemptions for partially buried floors.</p>	<p>Maintain the FAR and height exemptions for partially buried floors, and add a required upper-level setback along the street-front to address the bulk and scale effects of the exemptions (see item 5 below).</p>

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5.	Upper-level setback requirements for street-facing facades	<p>No upper-level setbacks are required for street-facing facades.</p> <p>The change to using the average grade plane method for height measurement in 2010 led to buildings that appear to have more stories or taller facades when viewed from the low side of slopes and as compared with prior development. On the downhill side of a slope, a story that is partially below grade elsewhere on the site may be fully exposed, appearing to be an additional story. This has produced buildings with the appearance from the downhill side of a slope of five (or even six) stories for some apartments in the LR3 zones.</p> <p>Five- or six-story buildings were not an anticipated outcome of the 2010 update. Apartments in LR3 zones in urban villages and centers are the only type of housing that may access the 40' height limit, but similar slope issues are present in areas where the height limit is 30'.</p>	<p>Establish a new control to limit the height of street-facing façades on sloping lots.</p> <p>This standard would create an upper-level setback condition for street-facing building facades. For structures in LR zones that are subject to a 30' height limit, the upper level setback requirement would be 12' above a height of 34'. For structures in LR zones that are subject to a 40' height limit, the upper-level setback requirement would be 12' above a height of 40'. The height of street-facing façades would be measured from average grade at the street property line.</p> <p>Limiting the height of the street-facing facades would achieve the public benefit of reducing the visual appearance of bulk and scale to the public street and preserve light penetration and views of the sky from the street or sidewalk. Developers would not be able to request departures from the proposed standard through the Design Review process, as this is not allowed for height regulations.</p>	<p>In LR zones, a minimum upper-level setback from all street lot lines would be required in addition to any required ground-level setback, as follows:</p> <ol style="list-style-type: none"> 1. For structures in LR zones that are subject to a 30' height limit, the upper-level setback requirement is 12' above a height of 34'. 2. For structures in LR zones that are subject to a 40' height limit, the upper-level setback requirement is 16' above a height of 44'. 3. The minimum upper-level setback shall be provided at all points along the length of the street property line as measured from finished grade. 4. Open railings, parapets, and other permitted projections that are predominantly transparent above a height of 1.5', may be located in the required upper-level setback. <p>Developers would be able to request departures from the proposed setback standard through the Design Review process.</p>
6.	Rounding thresholds for density limits	<p>Calculating the residential density limits that apply to individual lots often results in fractional unit counts. To address this issue, any density limit calculation that results in a fraction up to and including 0.5 constitutes zero additional units and any fraction over 0.5 constitutes one additional unit. The same 0.5 rounding threshold applies in all zones where residential density limits are in place.</p> <p>Example: Townhouse project on a 5,000 square foot LR1-zoned lot with a density limit of one townhouse per 1,600 square feet of lot area.</p> <ul style="list-style-type: none"> • Density calculation: $5,000 / 1,600 = 3.13$ townhouse units permitted. • Number of townhouses permitted after application of 0.5 rounding threshold: 3 <p>DPD has observed that the existing 0.5 rounding threshold has led some property owners to subdivide their land into smaller lots in order to increase the number of dwelling units their property could accommodate. For instance, if the 5,000 square foot lot described the example above was subdivided into two 2,500 square foot lots, it would, under the existing 0.5 rounding threshold, be able to accommodate 4 townhouse units. This outcome was not anticipated when the 0.5 rounding threshold was established.</p>	<p>Establish a 0.85 rounding threshold for density calculations for LR-zoned lots, regardless of lot size. Specifically, when density calculations for allowable dwelling unit counts on LR-zoned lots result in fractions, any fraction up to and including 0.85 would be disregarded and any fraction over 0.85 would allow one additional unit. This would remove the incentive to subdivide a lot in order to increase the allowable unit count.</p> <p>Example: Townhouse project on a 9,000 square foot lot:</p> <ul style="list-style-type: none"> • Density calculation: $9,000 / 1,600 = 5.63$ townhouse units permitted. • Number of townhouses permitted after application of 0.5 rounding threshold: 6 • Number of townhouses permitted after application of 0.85 rounding threshold: 5 	<p>Establish a 0.85 rounding threshold for density calculations only for LR1-zoned lots that measure less than 3,000 square feet. For such lots, if density calculations result in a fraction of a unit, any fraction up to and including 0.85 would be disregarded, and any fraction over 0.85 would allow one additional unit. This would remove the incentive to subdivide a lot in order to round of the unit count without penalizing larger lots.</p>
7.	Density limits for rowhouses in LR1 zones	<p>No density limit for rowhouse development in LR1 zones.</p> <p>According to DPD, the absence of a density limit for rowhouses in LR1 zones has led some property owners to subdivide their land in order to double-stack rowhouse and townhouse development on what was previously platted as one lot. The existing Land Use Code provisions</p>	<p>On LR1-zoned lots measuring less than 5,000 square feet, allow one rowhouse unit to be built per every 1,600 square feet of lot area.</p>	<p>On LR1-zoned lots measuring less than 3,000 square feet, allow one rowhouse unit to be built per every 1,600 square feet of lot area. This would remove the incentive to subdivide a lot in order to gain increased density, without penalizing larger lots. On a 3,000 square foot lot, two units would be allowed per the rounding provision discussed in item 6.</p>

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		were neither intended nor anticipated to result in the double-stacking of development behind street-facing rowhouse units.		
8.	Side setback requirements for rowhouses	<p>No required side setback for rowhouse projects unless the side lot line abuts a single family zone.</p> <p>DPD has received comments from the public expressing concerns about adjacency impacts associated with not requiring a side setback for some rowhouse projects. These include the construction of large sidewalls with limited modulation and few windows, shadowing impacts, and the absence of space between sidewalls and side lot lines for building maintenance. A potential downside of requiring side setbacks for rowhouse projects is that it would mandate the creation of small gaps ("missing teeth") between rowhouse developments built on adjoining lots rather than allowing for the construction of contiguous rowhouses that provide a consistent streetscape.</p>	Establish a new, 3.5' side setback requirement for rowhouses projects that do not share a side lot line with another rowhouse or a single-family zone.	No change from existing Land Use Code provisions.
9.	Design Review in LR2 zones	<p>Not required.</p> <p>Apartment construction is permitted in LR2 zones; however, no zone-specific Design Review threshold applies to those areas. As a result, projects with dozens of residential units may be built on lots in LR2 zones without first undergoing Design Review.</p>	Not required.	Require Design Review for development proposals in LR2 zones that include 8 or more dwelling units. This same threshold currently applies in LR3 zones.