



City Neighborhood Council

c/o 700 Fifth Ave, Suite 1700, PO Box 94649, Seattle WA 98124-4649

Telephone: (206) 684-0719 Fax: (206) 233-5142 TDD: (206) 684-0446

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August 6, 2013
City Council Members
Seattle City Hall
600 Fourth Avenue, 2nd Fl.
Seattle, WA 98104

Re: Appropriate Regulations for Micro housing Developments

Dear Council Members,

The City Neighborhood Council has been monitoring the development of micro-housing and the public reaction to these extremely dense forms of residential buildings. We appreciate the need to provide affordable housing options but we are concerned that physical safety of the occupants not take a back seat to affordability. On June 18, 2013 three members of DPD staff met with members of the CNC's neighborhood planning committee to discuss micro-housing regulation and life safety issues.

Despite assurances from Jon Siu and Rick Lupton (both senior experts in the Seattle Building Code) that these buildings are safe, the group was not completely satisfied with this assertion, particularly when these micro-housing buildings rise above three stories. The code experts admitted that persons living on the top floors would be expected to jump from windows in the event of a fire. Ladder trucks would not reach many of the bedroom windows owing to the lack of access from the street. While this condition may already exist in older buildings, (and now exists in some micro-housing buildings) we expect that new structures meet contemporary safety standards.

There was considerable debate about how DPD is interpreting the Seattle Building Code (SBC) to permit micro-housing structures that are five or more stories high and have apartments (sleeping rooms) with only a single stairway for exiting. It appears that:

1. DPD has interpreted that portion of the building code dealing with single exiting, Section 1021, to allow R-3 housing to exceed four stories as long as each "building" has only 16 apartments (sleeping rooms with bathrooms and kitchens but no range). It's not clear if DPD is applying the correct level of fire protection in this case (NFPA 13 not NFPA13R.) Since cooking is allowed in these units using microwaves, we don't understand why the absence of a range is the deciding factor in allowing single exit conditions.

2. DPD indicated that they interpret the building code to allow any configuration that is not specifically prohibited. They also stated that when they apply Section 1021 they “do not use Table 1021.2,” where R-3 is limited to a single story (with a basement if sprinkled). Remarkably, R-3 housing has traditionally included elderly and persons with medical or mental conditions where their personal safety merited additional restrictions on the height of buildings to promote an added level of physical safety (hence R being limited in Table 1021.2 to a single story).
3. DPD also stated that while other codes have similar provisions regarding sleeping rooms, they were unaware of any other jurisdiction where five story buildings are allowed with only one exit stair.
4. R-3 housing being built in Seattle does not enjoy the same physical elements of safety that are required in single exit R-2 (apartment) buildings over three stories in height.

During our meeting on the 18th, DPD staff acknowledged that they were surprised by these new building configurations and their approach to them has evolved, including asking for voluntary measures to improve safety, including requesting that stairs not exit through the kitchens. The DPD Director may not recognize the potential dangers to the residents by relying on sprinklers which can fail and not providing for redundant physical separation from fire and smoke. Having approved this new and less safe form of development, DPD can no longer offer an unbiased opinion with regard to improving the physical safety of R-3 housing.

Independent Audit of SBC Application to Micro-Housing

Therefore, we are asking that the Council, as part of its due diligence, **engage an independent building code examiner and fire safety expert** to determine 1) if the SBC is being properly applied to multi-story micro-housing projects and 2) if the SBC needs to be amended to provide an equivalent level of protection to residents in micro-housing compared to other multi-family structures.

We encourage you to add stipulations limiting R-3 housing with single exits to no more than three stories. Or to require R-3 over three stories to meet that same standards for physical safety as R-2 (apartments with ranges).

Public Notice and Design Review

We agree with DPD’s recommendation that micro-housing projects be prohibited in single family zones. However, in many neighborhoods the line between SF and more intense zones can be an alley or even less than that. In many parts of the city single family homes still predominate in LR zones or share a fence line with NC, LR, MR zones. DPD’s recommendations for design review thresholds (and therefore public notice) fails to consider this when they recommend that a project must exceed 30,000 gross square feet before full design review is required. Only two projects on DPD’s posted micro-housing tracking sheet would trigger full design review.

Parking and RPZ

DPD’s recommendation on parking is also troubling because it only applies outside of urban villages and assumes that we have adequate transit in Seattle. The requirement of providing one parking space for every four micros will put parking spillover stress on already crowded streets. Parking requirements should be customized to the location and future conditions. Similarly, if a neighborhood already has an RPZ, it usually means that curb parking space is at capacity. Adding a density burden disproportionate to the previous use of the parcel in these neighborhoods is unfair to the current residents while giving the micro housing developer an economic advantage. If micros are meant for individuals who do not own cars, then they should not be eligible for RPZ passes in neighborhoods where residential parking is already a scarcity.

SEPA Fairness and Design Review Diminished

SEPA is about more than traffic and parking. Compliance with adopted plans, including

neighborhood plans, is a SEPA condition. SEPA is the process to balance rights in land use decisions. SEPA public notice is the way for individuals or groups who would experience the negative impacts of a decision to have their position considered by the decision maker. The SEPA thresholds recommended by DPD essentially will rule out SEPA review in nearly every case. The artifice of calling eight micros one dwelling unit to evade SEPA is not appropriate. The DPD's currently posted micro dwelling unit tracking list (see link below) shows how few of these project would be subject to SEPA under DPD's recommendations (assuming they are outside urban villages where a vestige of SEPA review remains). In the LR2/LR3 zone only 2 of 28 would trigger SEPA review; in the MR and NC zones, only 1 in 8. However in comparison the list includes "small apartments with similar characteristics to micros." It's revealing that 6 of the 7 examples would REQUIRE SEPA review. So if DPD recognizes that micros have similar characteristics to small apartments, they too should be subject to SEPA in the same proportion. Because the requirement for design review is tied to SEPA, there will be very few opportunities to mitigate for height, bulk, scale, shadows, sunlight access, and traffic/parking impacts. SEPA and design review are also the mechanisms to reveal if a building is truly sustainable and making a positive contribution to the character of its street and neighborhood.

http://www.seattle.gov/dpd/cms/groups/pan/@pan/documents/web_informational/dpds022261.pdf

The CNC is supportive of policies to encourage residential development near Sound Transit light rail stations attractive to those who use or rely on transit. This is certainly not limited to micro-housing. We are also concerned about the rapid rent escalation in Seattle despite adding thousands of new units to the housing stock in the past few years. Clearly the formula for affordability is much more complex than merely adding to supply. Eliminating environmental and design review cannot be the main factor in reducing housing cost. The desired level of profitability and the business model for financing housing plays into this as well. However, that is a *black box* closely held by developers, so we are left to wonder if the only path to housing affordability is drastic downsizing of units and its corollary of increasing cost per square foot to the renter.

The CNC discussed and approved this letter at its July 29th meeting. Thank you for acting on our concerns for 1) independent audit of building code applications; 2) requiring public notice to adjacent households when a micro-housing unit is proposed; 3) providing for meaningful opportunity for citizens to influence the design and recommend mitigation for environmental impacts of these buildings and 4) questioning their long term contribution to the value of Seattle's housing stock.

Sincerely,



Phil Shack, Chair
City Neighborhood Council



Irene Wall, Co-Chair
CNC Neighborhood Planning Committee

cc: Mayor Mike McGinn
DPD Director Diane Sugimura