

Minimum Floor Area Requirement Legislation

September 3, 2013

Overview

This proposed legislation would establish a minimum floor area ratio (FAR) requirement on lots with pedestrian designations in Neighborhood Commercial zones within Urban Centers, Urban Villages, and the Station Area Overlay District. The purpose of this legislation is to limit new low-density, suburban-style development that conflicts with the desired urban design and pedestrian-orientation goals of these areas, by substantially under-developing sites, reducing activity adjacent to the sidewalk, encouraging substantial parking, limiting development opportunities on sites near transit and services, and minimizing opportunity for residential and commercial development within a neighborhood.

This legislation was developed by the Department of Planning and Development (DPD) at the request of Councilmember Conlin. This legislation will likely be introduced on an emergency basis to prevent near-term development incompatible with standards eventually adopted by the City with permanent regulations to be developed for the City Council to consider within a year.

Proposal

FAR means the amount of gross floor area allowed within structures per square foot of the lot. For example, a lot of 10,000 square feet with a maximum FAR of 3 would allow a building containing 30,000 square feet (i.e. a three story building that occupied the full lot or a six story building that occupied half the lot).

The legislation would establish a minimum FAR on lots with a pedestrian designation in Neighborhood Commercial zones within Urban Centers, Urban Villages, and the Station Area Overlay District based on the height limit of the zone as follows:

Current Height Limit	30'	40'	65'	85'	125'	160'
Proposed Minimum FAR	1.5	1.5	2	2	2.5	2.5

The proposed FAR requirement would apply to any development within the specified areas that adds or removes more than 10 percent of the gross square footage currently existing on the lot, if any exists, or 1,000 square feet, whichever is less.

Other key elements of the legislation are as follows:

- Portions of the lot designated as a steep slope, wetland, riparian corridor, or shoreline habitat Environmentally Critical Area or a buffer to one of these areas would not be included in calculating lot size for the purpose of calculating the minimum FAR.
- Portions of the lot occupied by a landmark structure that is proposed to be retained would not be included in calculating lot size for the purpose of calculating the minimum FAR.
- Gross floor area below grade and gross floor area containing parking would be excluded when calculating minimum FAR.

The legislation would also establish the following tentative timeline for preparation and consideration of permanent legislation.

Task	Date
Draft legislation and environmental review (SEPA), including public outreach	January through May 2014
Publish SEPA decision	mid-May 2014
SEPA appeal period ends	June 2014
Mayor Transmits legislation to City Council (assuming no appeal)	early July 2014
Council deliberations, public hearing and vote	August 2014
Permanent regulations replace interim controls	September 2014

Background

Under existing regulations, the City restricts the maximum FAR allowed in many zones throughout the city. However, no regulations currently exist that govern the minimum FAR that is required in any zone.

In 2013, Council and DPD received complaints on projects proposing structures that were significantly lower than the maximum FAR in pedestrian-oriented areas of the city. This phenomenon has occurred in the recent past. Common complaints regarding these low-density developments are that they:

- impact the existing and/or desired character of the neighborhood by creating an auto-oriented environment, diminishing activity adjacent to the sidewalk, and preventing a street wall that can frame the pedestrian environment,
- reduce the capacity of neighborhood business districts to provide goods and services and accommodate residents and commercial employees within a compact area,

- have a negative impact on the environment by encouraging greater use of automobiles, discouraging residents from walking to and within neighborhood centers, and making it more difficult to create transit-supportive densities and destinations, and
- conflict with Comprehensive Plan goals to create vibrant, pedestrian-oriented neighborhood centers that allow residents to satisfy their daily needs within close proximity to their homes.

Although decisions regarding development are driven by a diversity of market, financing, business strategy, and other decisions, underdevelopment of neighborhood commercial zones occur primarily due to:

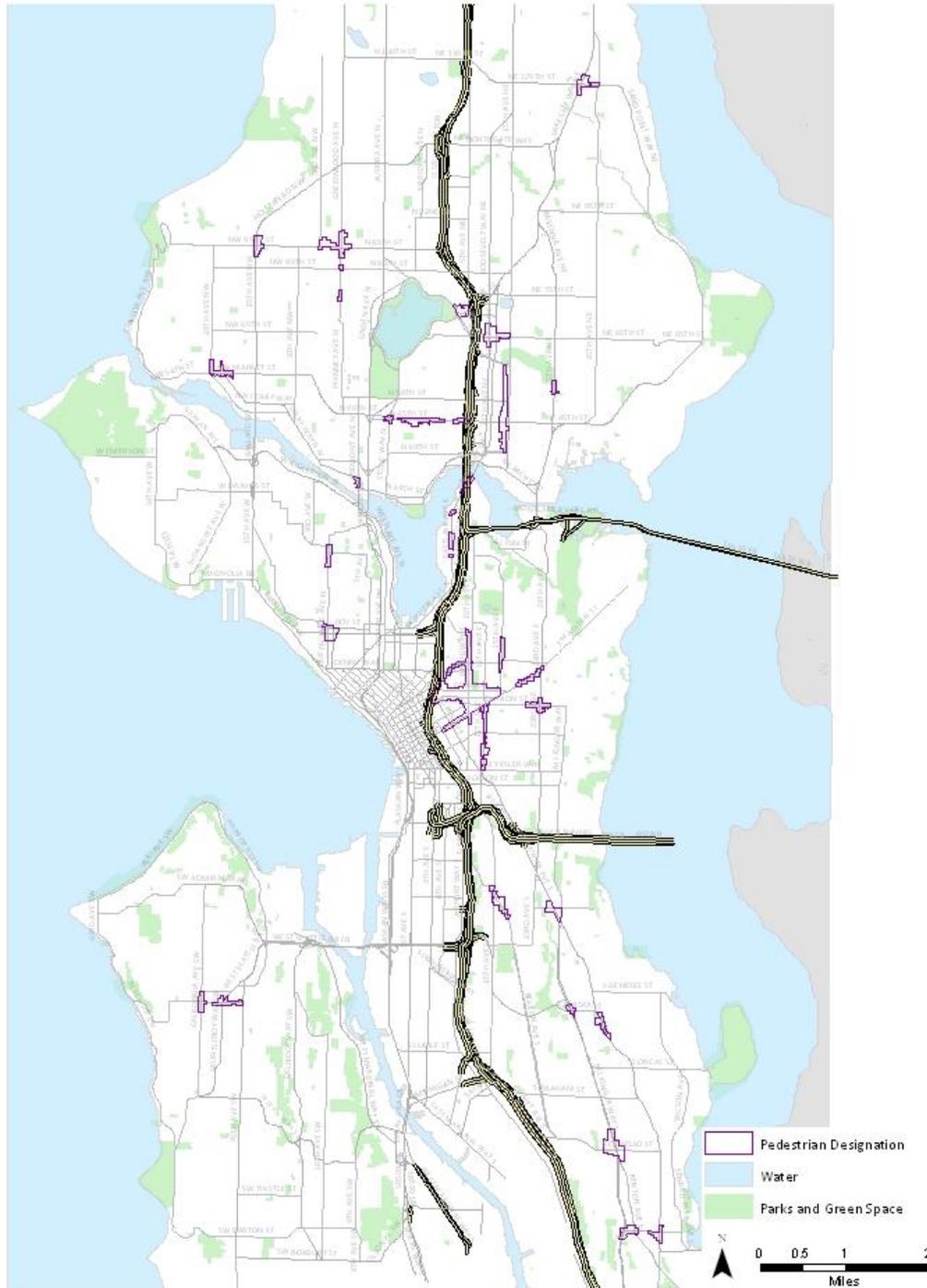
- a perception that the increased costs of development will not be sufficient to justify expected increased returns;
- the increased complexity of developing mixed-use structures including different ownership types, financing approaches, and sales strategies; and
- the desire to develop a standardized store format consistent with development in other areas that may be lower density.

This third issue is particularly prevalent among large chain or retail companies, particularly convenience, grocery, fast food, and banks, which may have a formula for building that values fast expansion, single ownership, and consistency among urban and suburban stores.

Minimum FAR requirements have been used by other jurisdictions to ensure a minimum level of development in key areas, particularly where standard low-density, suburban-style development is not appropriate for a local context. The benefit of this approach is that cities can more accurately detail the type of development that they want in certain areas, helping to achieve long-term goals. A potential drawback of this approach is that it may limit redevelopment where property owners feel the real estate market is not sufficient to support higher densities. Additionally, it may disproportionately burden small-scale or low-income property owners that may not have sufficient funds to build multi-story buildings or may lack the expertise to develop mixed use buildings.

In response to these community concerns and after considering the advantages and disadvantages of such an approach, Councilmember Conlin asked DPD to develop legislation that would implement a minimum FAR standard for key pedestrian-oriented neighborhood centers. To target areas where pedestrian-oriented development is most important and where the market can more easily support higher-density development, the regulations are proposed to be limited to Neighborhood Commercial zones with existing Pedestrian Designations in Urban Centers, Urban Villages, and the Station Area Overlay District. A map of these areas is on the next page.

Neighborhood Commercial Zones with Pedestrian Designations in Urban Centers, Urban Villages, and the Station Area Overlay District



These areas represent the most appropriate areas for a minimum FAR requirement because they have been specifically designated as having urban design goals, including a pedestrian-oriented character, that warrant additional protection. Additionally, Urban Centers, Urban Villages, and the Station Area Overlay District represent areas with substantial development potential and public investment, where barriers to multi-story development should be limited.

The proposal would require multi-story development consistent with the intended character of the zone, but still allow a range of development options between the minimum and maximum FAR requirements. Minimum FAR requirements were chosen to vary by zone in rough proportion to the maximum FAR of the zones at about 50 percent of the maximum on average. Below is a table comparing proposed minimum FAR with existing maximum FARs by height limit and location.

Comparison of Existing Maximum FAR and Proposed Minimum FAR

			Height Limit					
			30'	40'	65'	85'	125'	160'
Maximum FAR	Outside Station Area Overlay District	1. Total permitted for a single-purpose structure containing only residential or non-residential use.	2.25	3	4.25	4.5	5	5
		2. Total permitted for any single use within a mixed-use structure.	n/a	n/a	4.25	4.5	5	5
		3. Total permitted for all uses within a mixed-use structure containing residential and non-residential uses.	2.5	3.25	4.75	6	6	7
	Inside Station Area Overlay District	3	4	5.75	6	6	7	
Proposed Minimum FAR			1.5	1.5	2	2	2.5	2.5

The measurement technique for minimum FAR would vary from maximum FAR in that the list of floor area exemptions would be simplified and gross floor area containing parking would be explicitly excluded from the minimum FAR calculation. In the context of maximum FAR, the City exempts, and thus promotes, desirable gross floor area by excluding it from the FAR calculation. That rationale is not applicable in the context of minimum FAR, where the goal is to promote desirable gross floor area by allowing it to count toward the required minimum. Gross floor area containing parking would be excluded to ensure that property owners do not meet the requirements by simply adding structured parking.

In the 30- and 40-foot zones, this minimum FAR would generally require a two-story structure that occupied most of the lot, while the higher height zones would likely require three- and four-story buildings given the practical design requirements for parking and access to daylight.

DPD also recommends exempting areas containing steep slope, wetland areas, riparian corridor, or shoreline habitat environmentally critical areas and their buffers as well as areas occupied by landmark structures in order to help ensure that these regulations do not inadvertently encourage development in an ECA or demolition of a landmark structure and do not disproportionately burden property owners whose property includes these areas or buildings.

Conclusion

A minimum FAR standard in certain areas will help to ensure that new development supports the goals of the Comprehensive Plan to foster vibrant, pedestrian-oriented neighborhood centers that serve the needs of local residents.