



City of Seattle

Seattle Planning Commission

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September 10, 2009

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

Re: Proposed Multifamily Code Changes to Midrise and Highrise Zones

Dear Councilmember Clark,

The Commission has previously offered our general comments on the proposed update to the Multifamily Code. We understand that the schedule for consideration of the various parts of the proposal has changed, and that only changes to **Midrise (MR) and Highrise (HR) Zones** are currently being considered.

Midrise and Highrise zones play a significant role in accommodating Seattle residents. Seattle's Midrise and Highrise zones provide the most significant residential density in the city. The neighborhoods zoned MR and HR make up roughly eight percent (8%) of the housing units in the entire city. In addition, this development style enables more efficient provision of infrastructure and services and also enhances the vibrancy and liveliness of the city.

Since all of the issues we have previously raised are present in the MR and HR zones (with the exception of development regulations pertaining to townhouses), we set forth below those comments and recommendations we find most critical to a successful update to the code. Above all, the Commission would like the update to the multifamily code to be simpler to use, more consistent with the other chapters of the Land Use Code, and emphasize a preferred type of development for Seattle.

Summary of Planning Commission Recommendations

- We recommend a FAR approach to help improve design and this should be used in place of, not in conjunction with, prescriptive standards.
- The Planning Commission strongly supports the elimination of residential parking requirements in urban centers and station areas, and the reduction of parking requirements in other areas.
- We recommend a Green Factor of 0.3, the same standard used in Neighborhood Commercial (NC) zones, because the 0.6 factor is untenable.
- We recommend a simpler method for measuring height under the zoning code (outside of the shoreline and the downtown).
- We recommend that affordable units built as part of the incentive program should have a minimum unit size. We also support the inclusion of a fee-in-lieu program.

Below we provide more detailed responses and explanation to the above points.

Function and Locational Criteria

The proposal includes changes to the function and locational criteria of multifamily zones that would be consistent with other zones, specifically the Neighborhood Commercial zone. We support the proposed changes that simplify the criteria and shift the focus toward the desired characteristics of an area rather than toward the existing conditions.

Bulk Regulation

We view the City's current proposal as a 'belt and suspenders' approach that uses two overlapping regulations to solve a single problem. Instead of simplifying the code, the proposed solution makes it more cumbersome by imposing Floor Area Ratio (FAR) regulation of building bulk, an approach we endorse, in addition to prescriptive requirements such as setbacks, building width and depth limits, and lot coverage limits. At the same time, we recognize that other regulations, such as maximum floor plate limits, might be appropriate in MR and HR zones. This would be consistent with regulations for downtown zones.

The Commission recommends that Council approve the FAR regulations and only adopt additional requirements **where they address a clear policy rationale for the zone**. There is not a clear rationale for simply reducing the existing prescriptive requirements. The Commission will submit a white paper that addresses this topic in more detail in the near future.

Height

The current proposal does not change the basic height limits in the MR and HR zones, and we do not recommend any such changes. We do, however, wish to reiterate our previous recommendation that a simpler method of measuring height under the zoning code (outside of the shoreline and the downtown) be adopted. The current method, based on the lower of existing or finished grade at each and every point on the site, is widely regarded as one of the most complicated aspects of using the land use code. A simpler method of measuring height would contribute significantly to the goal of making the code easier to use.

Some argue that a simpler method of height measurement might result in taller buildings. We do not agree with this argument. Simplifying the height measurement will result not in taller buildings, but rather in re-distribution of the available height envelope. In general a building will be somewhat taller on a sloping site, on the downhill side, and shorter on the uphill side. Possible simpler methods include the following:

- *Measure the height the same as under the building code*, i.e. from "grade plane" which is the average grade around the perimeter of the building. This method has the merit that a single datum is used for measurement.
- *Measure the height as done in the Shoreline District (SMC 3.60)*, i.e. the average grade at the midpoints of each side of the site. This method is similar to the building code method and has the same merit.
- *Measure height as is done in the downtown zones*, which is similar to the shoreline method except that stepping of the height datum is required on sloping sites. If this method were adopted, careful study should be made of the stepping requirement, which tends to be unnecessary on small sites that are more common in the multifamily zones.

Incentive Zoning Program for Affordable Housing

- Affordable units built as part of the incentive program should have a minimum unit size – or a percentage of the average unit size in the building – to ensure that more affordable units are oriented towards households with children, and to avoid creating an over abundance of small units.
- The incentive proposed program requires buildings to be “Built Green” or LEED™ certified. Multifamily homes that lie within the urban boundary are inherently more sustainable than single family homes constructed on formerly vacant land in suburban or rural areas. We recommend that Council consider a performance standard that addresses sustainability in a comprehensive manner, including locational criteria.
- We support the inclusion of a fee in lieu program, as proposed by DPD. We recognize that incentive housing legislation (Ordinance 122882) requires a performance option for building less than 85 feet and would apply to the midrise and lowrise zones.
- The current proposal would trigger the additional PEER review process for projects using the incentive program in HR zones (above 240 feet). The additional cost and project review time could act as a disincentive, particularly given the already high costs of constructing highrise buildings.

Parking Requirements

The Planning Commission strongly supports the Executive’s proposal to eliminate residential parking requirements in urban centers and station areas, and reduce parking requirements in other areas (consistent with changes in commercial zones).

All land zoned HR, and most of the land zoned MR, is located in Urban Centers and as such the revision to the minimum parking ratio for these zones is not a significant issue. In addition, the fact that many developers will likely build some parking voluntarily within these zones points to an issue we have previously raised; when parking is voluntary, we see no issue concerning the public health, safety or welfare that justifies the current regulation of parking stalls. We propose the following change to the language of SMC 23.54.030:

SMC 23.54.030 Parking standards.

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

Green Factor

While we generally endorse the Green Factor, we recommend a 0.3 factor for the following reasons:

- The 0.6 standard is too high. We tested this on multiple projects and found that the ratio is unrealistic and/or incredibly expensive, especially on smaller projects.
- In particular, the factor of 0.6 on the MR zone is likely to force the developer to put a green roof on a wood building, which many architects and developers believe to be problematic in this climate with our current building technology. The MR zone typically produces a six-story building, five stories of wood over one story of concrete, similar to that produced in the NC zones, where the Green Factor is 0.3.
- We recommend the Green Factor should be scaled to the anticipated development density of each zone.
- Corner lots should be treated differently than others since corner lots have greater opportunity to provide landscaping in the right of way.


- Long-term maintenance of the landscaping may be problematic and may reduce the effectiveness of the Green Factor requirements. In particular, green roofs are difficult to monitor and enforce for compliance once they are installed.

Minimum Density

We note that a few townhouse developments have been built in MR zones as well as in the NC zones. This is a minimum density issue. As a matter of policy, such low-density buildings should not be allowed outside of lowrise zones. The density which the MR zone is intended to produce is in the range of 150 dwelling units per acre, whereas the density produced by townhouse developments seldom exceeds 36 units per acre. We recommend that Council consider establishing minimum densities for MR and HR zones.

The Commission appreciates Council's careful consideration of the proposed code changes and reiterates our support for the effort to update the Multifamily Code. The proposed changes are a step in the right direction but will need to go further in order to provide a more successful code that will be used over the next twenty years. As you review the proposal for the MR and HR zones, we will provide more detailed comments about the topics outlined above. Also feel free to contact the Commission for any clarification on any of these points through our Executive Director, Barbara Wilson at (206) 684-0431.

Sincerely,



Josh Brower, Chair
Seattle Planning Commission

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

SEATTLE PLANNING COMMISSION RECORD OF DISCLOSURE & RECUSAL:

- Commissioner Benotto disclosed that her firm, Weber Thompson, works on projects in multifamily zones.
- Commissioner Brower disclosed that his firm, Tupper Mack Brower, represents clients who own multi-family properties in Seattle.
- Commissioner Kaplan disclosed that his firm, Martin Henry Kaplan Architects, designs projects in multifamily zones. He also disclosed that he is currently a candidate for the Seattle City Council.
- Commissioner Cutler disclosed that his firm, GGLO, works on projects in multifamily zones.
- Commissioner Roewe disclosed that his firm, VIA Architecture, works on projects in multifamily zones.
- Commissioner Leighton disclosed that her firm, SVR Design, works on projects in Multifamily zones.
- Commissioner Hough Beck disclosed that her firm, Hough Beck & Baird Inc. provides landscape architecture services for multifamily projects in Seattle.
- Commissioner Persons disclosed that his firm, Capitol Hill Housing, builds affordable housing in multifamily zones and might utilize in-lieu of funding in the future.