

MEMORANDUM

To: Planning, Land Use, and Zoning (PLUZ) Committee members
From: Ketil Freeman and Eric McConaghy, Council Central Staff
Date: February 2, 2017
Subject: Council Bill (CB) 118893 -- Land Use Omnibus Legislation

Approximately biennially the Seattle Department of Construction and Inspections (SDCI) develops an omnibus bill amending the Land Use Code (Code). Generally, the omnibus bill corrects typographical errors, corrects cross-references, clarifies existing regulations, and makes other minor amendments identified by SDCI in the course of Code administration. The omnibus bill is not intended to be a vehicle for addressing significant policy issues. Inevitably, some proposed changes are substantive and represent modest policy choices for the Council.

SDCI published the draft omnibus bill along with the environmental (State Environmental Policy Act, or SEPA) decision in August 2016. In December 2016, SDCI transmitted the omnibus bill to the Council. The *SDCI Director's Report and Recommendation* provides descriptions of most of the proposed amendments in the transmitted bill. PLUZ Committee received a briefing from SDCI and Central Staff on the bill on January 19 and will host a public hearing on February 7.

This memo sets out preliminary issues identified by Central Staff. Any amendments to the bill will be considered by PLUZ on February 24.

Preliminary Issues

Issues are summarized and briefly discussed in the table below.

Preliminary Issue	Discussion
<p>1. Should live-work units be eligible for unit lot subdivisions?</p> <p>Seattle Municipal Code (SMC) Chapter 23.22 -23.24.</p>	<p>CB 118893 would authorize subdivision of live-work units to allow individual sale through a unit lot subdivision process.</p> <p>Live-work units combine commercial and residential living space in a single unit and satisfy development standards for ground-level commercial space in commercial zones. As a practical matter, many live-work units function exclusively as townhouse-style residences.</p> <p>A unit lot subdivision is a process whereby land is divided to allow for individual fee ownership. Development on the land must meet development standards applied to the parent lot, i.e. the lot as it is configured prior to the subdivision, not the lots on which individual units may be located after the subdivision.</p>

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	<p>Unit lot subdivisions are allowed for townhouses, rowhouses and other types of ground-related single family and multifamily development where no portion of one unit is located above or below another.</p> <p>Allowing unit lot subdivisions for live-work units may encourage development of mixed-use projects in commercial zones that are <i>de facto</i> townhouse-style projects without any apartments above. While that may not always be a problem, in some areas, such as urban centers and villages and light rail station areas, a lower-density townhouse development type in commercial zones may frustrate planning objectives for increased density.</p>
<p>2. Should shelters for homeless youth and young adults be a permitted use, not a conditional use, in existing educational and child-care institutions in residential zones?</p> <p>SMC Section 23.44.022 and 23.45.570.</p>	<p>CB 118893 would allow shelters for homeless youth and young adults to be established in existing institutions in residential zones as a permitted use, provided that the shelter does not require expansion of an existing structure and that youth in the shelter are enrolled in the institution.</p> <p>Currently, homeless shelters that are not associated with a religious institution are permitted through a discretionary administrative conditional use process with an opportunity for appeal to the City Hearing Examiner. Shelters associated with religious institutions are permitted outright as accessory uses.</p>
<p>3. Should mechanical equipment on the roofs of structures exceeding 85 feet in height in Seattle Mixed (SM) zones be allowed to exceed the height limit by 45 feet, if the rooftop is designed to include open space or a common recreation area?</p> <p>SMC Section 23.48.025.</p>	<p>CB 118893 would allow mechanical equipment on buildings exceeding 85 feet in height in SM zones to extend up to 45 feet above the height limit, without any limit on rooftop coverage, to provide usable open space or a common amenity area.</p> <p>Increased height and bulk associated with overheight mechanical equipment could increase shadow impacts on nearby properties and rights-of way.</p> <p>Council may want to consider establishing rooftop coverage limits or requirements for the location of overheight mechanical equipment in relation to the north roofline, or north lot line, to mitigate the potential for shadow impacts.</p>
<p>4. Should the base Floor Area Ratio (FAR) for development with a religious institution in the SM-</p>	<p>CB 118893 would increase the base FAR for development the SM-SLU 85-240 zone from 1.5 to 3. The SM-SLU 85-240 zone is a residential-emphasis zone that extends along 8th Avenue north of Denny Park in South Lake Union.</p>

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<p>SLU 85-240 zone be increased from 1.5 to 3?</p> <p>SMC 23.48.220.</p>	<p>The current 1.5 FAR for religious institutions in the zone is an existing exception. All other non-residential uses have a lower base FAR of 0.5. Increasing the base FAR above the current FAR of 1.5 would decrease the amount of floor area that might otherwise need to be achieved through incentive zoning.</p>
<p>5. Should a non-discretionary waiver of structure width and depth development standards be available in Downtown Mixed Residential area of the International Special Review District where waiver would allow development of more income-restricted affordable housing?</p> <p>SMC 23.49.164</p>	<p>CB 118893 would authorize the SDCI Director to waive structure width and depth for development in a limited area of the Chinatown / International District east of Interstate 5, if the development provides affordable housing or better meets the goals and objectives of the International Special Review District.</p> <p>To meet affordable housing standards for the waiver, at least 40% of units in a project would be restricted to households earning no more than 60% of area median income for a period 40 years. In 2016, 60% of area median annual income for a two-person household was \$43,380.</p> <p>Use of the conjunction “or,” instead of “and,” in the proposed code language would provide the SDCI Director with discretion to waive certain development standards for a project when that project does not provide affordable housing meeting proposed requirements. The Council may want to limit the proposed SDCI Director’s discretion for the proposed waiver.</p>
<p>6. Should the bill be amended to clarify development standards for rowhouse separations and setbacks?</p> <p>SMC 23.45.518</p>	<p>Since publication of the SEPA draft of the omnibus bill. Constituents have brought to the Council’s attention the potential for an additional amendment. Specifically, application of development standards for rowhouses have led to circumstances where minimal separations have been provided between existing structures and new rowhouse developments.</p> <p>Council may want to clarify minimum separations between existing structures and rowhouses and / or rowhouse lots.</p>

cc: Kirstan Arestad, Central Staff Director