

August 7, 2020

**MEMORANDUM**

**To:** Planning, Land Use and Neighborhoods Committee  
**From:** Ketil Freeman, Analyst  
**Subject:** Council Bill 119835 – Land Use Code Omnibus Bill

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About every other year 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 and cross-references, clarifies existing regulations, and makes other minor amendments identified by SDCI in the course of Code administration. While the omnibus bill is not intended to be a vehicle for addressing significant policy issues, inevitably the omnibus does result in some minor policy changes.

This memorandum identifies and discusses: (1) areas where the proposed bill ([Council Bill 119835](#)) departs from prior policy decisions made by the Council, (2) proposed amendments that are specific to the Mercer Mega Block transaction, and (3) other minor policy issues.

**Departures from Prior Policy Choices and Potential issues**

The table below identifies and discusses potential issues for the Committees consideration.

Issue	Discussion
1. Unit Lot Subdivision for Accessory Uses (p.4, l. 18-20; p.8, l. 2-4)	<p>The omnibus would add language authorizing unit lots to be designated as open space or developed with accessory uses, which could include parking or other accessory structures.</p> <p>Unit lots are created through a subdivision process, which is typically used for townhouse, rowhouse, and other lowrise multifamily development. Unit lots are created through the subdivision of a parent lot. Development standards are applied to the parent lot from which unit lots are created. This allows unit lots to be non-conforming to some development standards. The unit lot subdivision process allows for fee simple sale of individual unit lots.</p> <p>The Code currently prohibits development of detached accessory dwelling units on unit lots.<sup>1</sup> However, the proposed omnibus language introduces ambiguity into the Code that could lead to unintended consequences for future development of vacant lots that are created through a unit lot subdivision process.</p>
2. Contract of Sale to Establish Historic Lot Exception (p.29, l.4)	<p>In 2014 the Council passed <a href="#">Ordinance 124475</a>, which modified development standards for undersized lots in Single Family zones. The Code allows for development of undersized lots created prior to 1957 through an historic lot exception. Among other things, Ordinance 124475 narrowed the documents</p>

<sup>1</sup> See Seattle Municipal Code Section [23.22.062.B](#) and [23.24.045.B](#).

Issue	Discussion
	<p>applicants could use to establish an historic lot, including eliminating use of historic tax parcels, mortgages, and sales contracts.</p> <p>Sales contracts were excluded because, at the time, SDCI concluded they were an insufficient indication that a lot was historically a separately developable site. The omnibus would restore sales contracts as a means to establish an historic lot.</p>
<p>3. Conditional Use Authorization for Landmark Sites (p.39, l. 21)</p>	<p>The Code currently allows <u>landmark structures</u> in Single Family zones to contain uses that would not otherwise be allowed in the zone through a conditional use permit process.</p> <p>The conditional use permit is granted if (1) the proposed use is compatible with the existing structure, (2) uses allowed in the zone are impractical to provide in the landmark structure or provide inadequate financial support to maintain the landmark, and (3) the use is not detrimental to adjacent uses or the public interest. The conditional use process recognizes the hardship that can accompany ownership and rehabilitation of landmark structures.</p> <p>The omnibus would extend the conditional use authorization to <u>landmark sites</u> in Single Family zones. SDCI is not aware of any current application for development on landmark sites. However, proposed change could be used to authorize a range of uses on large landmark sites, such as the Battelle Memorial Institute site.</p>
<p>4. Maximum Structure Width in Commercial Zones (p.53, l.8-10)</p>	<p>In 2019 through <a href="#">Ordinance 125791</a> (the Mandatory Housing Affordability Implementation Ordinance), the Council established a maximum structure width of 250 feet in pedestrian designated zones. The intent of the Council was to provide a more human scale in those zones by limiting the bulk and scale of structures. Exceptions to the maximum width limitation are provided for landmark structures when more than 50% of gross floor area are occupied with specified uses, such as arts space and childcare.</p> <p>The omnibus would allow structures to exceed the 250 foot width limit, when the façade of the structure is modulated, regardless of what uses are provided in the structure.</p>
<p>5. Upper-level Development Standards in South Lake Union (p.66 – 80)</p>	<p>The omnibus modifies upper-level development standards applicable to future development of the Mercer Mega Block. Specifically, the omnibus modifies (1) the maximum height of podiums, which is the portion of a structure on which a tower is built, and (2) upper-level setback requirements.</p> <p>In 2019 the Council passed <a href="#">Ordinance 125916</a>, which authorized the Mayor to execute a Memorandum of Understanding (MOU) and sell the Mercer Mega Blocks. The MOU, in turn, authorizes the City to enter into a Disposition and Development Agreement (DDA), which was executed on May 26, 2020. The DDA requires, as a condition of closing, that the City</p>

Issue	Discussion
	pass an ordinance modifying upper-level development standards applicable to the site.
6. Location of Bicycle Parking (p.96, I.6-11) and Quantity of Bicycle Parking (p.100, Table Footnotes)	<p>In 2018 the Council passed <a href="#">Ordinance 125558</a>, which, among other things, modified and increased requirements for bicycle parking. The Council authorized off-site bicycle parking for <i>non-residential uses</i> within 600 feet of the principal use and established minimum long-term and short-term bicycle parking requirements for multifamily development.</p> <p>The omnibus would allow short and long term bicycle parking for <i>residential uses</i> to be located off-site within 600 feet of the residential use where the residential use and the accessory use parking are part of a functionally related development. The omnibus would also exempt units in multifamily development that is subject to a regulatory agreement and affordable to households at 60% of AMI and below from bicycle parking requirements.</p>

**Next Steps**

On August 12 the Land Use and Neighborhoods Committee will discuss and may vote on Council Bill (CB) 119835. Committee members have identified potential amendments to the bill. Some amendments may be consolidated into a substitute bill that would be moved by the Chair. If you have not already, please contact me with questions or potential amendments.

cc: Aly Pennucci, Supervising Analyst