

Amendment 58 Version 2 to CB 120993 OPCD Permanent State Zoning Compliance ORD

**Sponsor:** Councilmember Rinck

Exclude ADUs from density calculations

**Effect:** This amendment would exclude accessory dwelling units (ADUs) from being counted toward maximum density regulations. As transmitted, the proposed legislation would count all dwelling units (principal or accessory) toward maximum density. This amendment would only count principal dwelling units toward the maximum density allowance, allowing ADUs to be built in addition to that maximum density.

Amend section 21 as follows:

Section 21. Section 23.42.022 of the Seattle Municipal Code, enacted by Ordinance 127211, is amended as follows:

**23.42.022 Accessory dwelling units**

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J. When calculating density, the number of dwelling units shall ~~not include both~~ accessory dwelling units, ~~and principal dwelling units.~~

~~((J.))~~ K. Title 23 shall not be interpreted or applied to prohibit the sale or other conveyance of a condominium unit on the grounds that the condominium unit was originally built as an accessory dwelling unit.

~~((K.))~~ L. Unless provided otherwise in this Section 23.42.022, the provisions of the applicable zone and overlay district apply. In the event of conflict with provisions elsewhere in Title 23 other than Chapter 23.60A, this Section 23.42.022 shall prevail.

Amend Section 30 as follows:

Section 30. A new Chapter 23.44 is added to the Seattle Municipal Code as follows:

**Chapter 23.44 NEIGHBORHOOD RESIDENTIAL**

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**23.44.060 Maximum density and minimum lot size**

A. Except as provided in subsection 23.44.060.C, the maximum density is:

1. For stacked dwelling units on lots larger than 6,000 square feet that are located in a frequent transit service area, one dwelling unit per 650 square feet of lot area;

2. For all other principal dwelling units, one dwelling unit per 1,250 square feet of lot area.

B. The minimum lot size for lots created after the effective date of this ordinance is 5,000 square feet.

C. Maximum density exceptions

1. A lot that is less than 5,000 square feet may be developed with up to four principal dwelling units provided that the lot does not contain any riparian corridors; wetlands and their buffers; submerged lands and areas within the shoreline setback; or designated non-disturbance area in steep slopes.

2. A lot that is less than 7,500 square feet and within one-quarter mile walking distance of a stop on a major transit service may be developed with up to six principal dwelling units if the lot does not contain any riparian corridors; wetlands and their buffers; submerged lands and areas within the shoreline setback; or designated non-disturbance area in steep slopes.

3. A lot that is less than 7,500 square feet and located more than one-quarter mile walking distance from a stop on a major transit service may be developed with up to six principal dwelling units if the lot meets the following criteria:

a. The lot does not contain any riparian corridors; wetlands and their buffers; submerged lands and areas within the shoreline setback; or designated non-disturbance area in steep slopes;

b. At least two principal dwelling units are low-income units subject to a regulatory agreement, covenant, or other legal instrument enforceable by The City of Seattle;

c. The low-income units are generally distributed throughout the development and have substantially the same functionality as unrestricted units in the development;

d. To the extent practicable, the low-income units are comparable to unrestricted units in terms of square footage and number of bedrooms and bathrooms;

e. The tenure (i.e., rental or ownership) of low-income units and unrestricted units is the same;

f. The regulatory agreement, covenant, or other legal instrument contains criteria and policies to maintain public benefit if the property is demolished or converted to a non-residential use;

g. For ownership housing, the low-income units are stewarded by a qualified non-profit organization, which for purposes of this subsection 23.44.060.C.4 means a non-profit organization that the Office of Housing determines as experienced in the development and stewardship of permanently affordable homes, including:

1) Pre-purchase verification of income and other requirements for eligible households, affordable sale price calculations for approval by the Office of Housing, and execution of legal restrictions on the property; and

2) Post-purchase support for homeowners by facilitating resales, monitoring compliance with financial, owner occupancy, and other legal requirements, and clear communication of program guidelines and restrictions; and

h. At such times as may be required by the Director of Housing but no less than annually, the property owner (for rental housing) or the qualified non-profit organization (for ownership housing) agrees to file property reports with the Office of Housing, verified upon oath or affirmation, which shall contain such information as the Office of Housing may deem necessary to determine

compliance with this subsection 23.44.060.C.4 and the regulatory agreement, covenant, or other legal instrument.

4. For lots that contain any riparian corridors, wetlands and their buffers, submerged lands and areas within the shoreline setback, or designated non-disturbance area in steep slopes, applicants may choose to develop the lot with the number of principal dwelling units provided in the density limits in subsection 23.44.060.A or with the number of dwelling units calculated as follows:

a. Determine the number of principal units that would be allowed under subsections 23.44.060.C.1 through 23.44.060.C.4 if no environmentally critical areas were located on the lot;

b. Determine the percentage of the lot that is not covered by riparian corridors, wetlands and their buffers, submerged lands and areas within the shoreline setback, or designated non-disturbance area in steep slopes; and

c. Calculate the number of principal dwelling units by multiplying the number of units determined in subsection 23.44.060.C.5.a by the percentage of the lot calculated in subsection 23.44.060.C.5.b. At least one principal dwelling unit is allowed on all lots in existence as of the effective date of this ordinance.

#### D. Measurement of minimum lot size and maximum density

1. When calculation of the number of principal dwelling units allowed results in a fraction of a unit, any fraction shall be rounded down.

2. Congregate residence sleeping rooms shall be treated as one-fourth of a principal dwelling unit for purposes of calculating density.

3. In the case of a development within a unit lot subdivision, the density limit shall be applied to the parent lot as a whole.

4. If dedication of right-of-way is required, permitted density shall be calculated before the dedication is made.

5. When calculating density, the number of dwelling units shall include ~~both accessory dwelling units and~~ only principal dwelling units. Accessory dwelling units shall not count toward density.

6. Areas not counted in calculating the lot size. The following areas shall not be counted in calculating the area of lots for the purpose of calculating the maximum density and the minimum lot size:

- a. Riparian corridors;
- b. Wetlands and their buffers;
- c. Submerged lands and areas within the shoreline setback; and
- d. Designated non-disturbance area in steep slopes.

E. For the purpose of this Section 23.44.060, designated non-disturbance area in steep slopes shall include all portions of steep slope hazard areas except the following:

- 1. Areas that are granted relief from the prohibition of development according to Section 25.09.090;
- 2. Areas where development is allowed under a small project waiver according to Section 25.09.090; and
- 3. Areas where intrusion into the steep slope erosion hazard area and buffer is allowed by steep slope erosion hazard area variance according to Section 25.09.290.

Note: Multiple amendments may amend the same sections or subsections. Following Committee action on all amendments, Central Staff will reconcile language and renumber and re-letter sections and subsections as needed in the amended bill.