

June 11, 2025

MEMORANDUM

To: Select Committee on the Comprehensive Plan
From: Lish Whitson, HB Harper, Ketil Freeman, Analysts
Subject: Permanent Legislation to Implement HB 1110 and the Comprehensive Plan's Land Use Element

On June 13, the Select Committee on the Comprehensive Plan will discuss [Council Bill \(CB\) 120993](#), permanent legislation implementing 1) Engrossed Second Substitute [House Bill \(HB\) 1110](#); 2) other State mandates, and 3) policies in the One Seattle Comprehensive Plan's Land Use element (see [CB 120985](#)). This memorandum discusses the bill and related policies in the Comprehensive Plan, with a focus on the Council's [Topics for Permanent Legislation to Implement State Land Use Regulations](#).

This memorandum discusses the following topics identified by the Council as issues for consideration in review of CB 120993:

1. Middle housing types;
2. Subdivision and lot-splitting regulations;
3. Density limits for middle housing;
4. Street improvement thresholds;
5. Setbacks, amenity areas, and tree regulations;
6. Design standards; and
7. Off-street parking.

Middle Housing Types

HB 1110 requires that the City allow at least six types of "middle housing" in all zones that allow single family houses. Middle housing is defined in HB 1110 as including duplexes, triplexes, fourplexes, fiveplexes, sixplexes, townhouses, stacked flats, courtyard apartments, and cottage housing development. CB 120993 would allow all nine middle housing types. Policies in the Land Use Element of the Comprehensive Plan encourage a range of housing types in Neighborhood Residential (NR) and Multifamily areas.

CB 120993 classifies middle housing types¹ as "detached dwelling units," "stacked dwelling units," and "attached dwelling units." Detached dwelling units may not be attached to any other dwelling unit. Stacked dwelling units are located above or below other dwelling units. Attached dwelling units share walls with other dwelling units but are not stacked.

¹ Other residential uses retained in the code are artist studio/dwellings, assisted living facilities, caretaker's quarters, congregate residences, mobile homes, and permanent supportive housing. Adult family homes, nursing homes, and floating homes are all housing types that would no longer be defined uses in the code but do appear in some sections of the code.

Stacked flats

Compared to other middle housing types, stacked dwelling units can be more accessible to people with mobility issues. CB 120993 includes incentives for the development of stacked dwelling units over the other middle housing types.

In NR zones, stacked dwelling unit incentives would apply to lots greater than 6,000 square feet within frequent transit service areas.² Stacked dwelling units on lots meeting these criteria would be permitted a Floor Area Ratio (FAR)³ up to 1.4 and would have a density limit of one dwelling unit per 650 square feet of lot area. This would allow nine stacked dwelling units on a 6,000 square foot lot, with an average of 933 square feet per unit. On the same lot, six attached or detached dwelling units would be allowed, with an average of 1,200 square feet per unit.

In multifamily zones, stacked dwelling units would also have a higher FAR limit. Stacked dwelling units would have an FAR limit of 1.5 in Lowrise 1 (LR1) zones and 1.6 in LR2 zones. In the LR2 zone, stacked dwelling units with outdoor amenity areas would be permitted up to 1.8 FAR. Other housing types would have FAR limits of 1.3 in LR1 zones and 1.4 in LR2 zones.

Councilmembers may want to consider whether the restrictions on the stacked dwelling unit incentive are appropriate. The Council may want to consider increasing the density limit above 1.4 FAR, allowing higher densities for stacked dwelling units on lots smaller than 6,000 square feet or allowing higher densities for stacked dwelling units located outside of frequent transit service areas. These changes would likely require additional environmental review.

Density Limits

CB 120993 regulates the density of development on a lot in two distinct ways: number of units permitted based on the square footage of the lot, and size of buildings allowed on a lot based on the unit density.

Square feet per unit

Unlike the interim legislation, which allowed four or six residential units on existing lots in all NR zones and did not account for the size of the lot, CB 120993 allows more units on larger lots. For attached and detached housing, one unit is allowed for every 1,250 square feet of lot area. Higher densities are permitted in frequent transit service areas for stacked dwelling units on larger lots and projects with low-income housing making up at least half of the units.⁴

For lots that are smaller than 5,000 square feet, four units are generally allowed on the lot. Lots that are smaller than 7,500 square feet, within a quarter mile of major transit service or with at least two affordable housing units, are generally allowed to have six dwelling units. The number of permitted units on these lots is reduced by the percentage of lot area that is in a riparian corridor, wetlands and wetland buffers, submerged lands and shoreline setbacks, or steep slope areas.

² "Frequent transit service areas" are located within a quarter mile of a bus stop with 15-minute headways during the weekday, and areas located within a half mile of a rail station. These overlap "major transit service areas," which are located within a half mile of a commuter rail, light rail, or street car, or bus rapid transit stop or station.

³ "Floor Area Ratio" is the ratio of space within all structures on a lot divided by the size of a lot. On a 6,000 square foot lot, 1.4 FAR would allow an 8,400 square foot apartment or condominium structure.

⁴ For projects that include a mix of housing types, the density limits are applied based on the percentage of the floor area dedicated to each housing type.

Floor Area Ratios

CB 120993 encourages development of denser housing types by increasing the FAR allowed as a project becomes denser, as shown on Table A for 23.44.050:

Table A for 23.44.050 - Floor area ratio (FAR) in NR zones

Density (dwelling units per lot size)	FAR
Less dense than 1 unit / 4,000 square feet	0.6
1 unit / 4,000 square feet to 1 unit / 2,201 square feet	0.8
1 unit / 2,200 square feet to 1 unit / 1,601 square feet	1.0
1 unit / 1,600 square feet or denser	1.2, except that it is 1.4 for stacked dwelling units located within a frequent transit service area on lots 6,000 square feet or larger

Low-income units are permitted up to 1.8 FAR.

Accessory Dwelling Units

Accessory Dwelling Units are differentiated from other housing types by their relationship to a “principal dwelling unit.” ADUs are not permitted to be located on a separate lot from the principal dwelling unit. Up to two ADUs are permitted on any lot. Each ADU is limited to 1,000 square feet, notwithstanding the FAR limit. ADUs are not required to have off-street parking. ADUs are permitted to be located within five feet of the rear lot line. Otherwise, ADUs are subject to the development standards of the underlying zone.

Under CB 120993, ADUs would count in determining the number of dwelling units on a lot and space within an ADU would be counted toward the FAR on a lot. A single-family house on a 5,000 square foot lot with two ADUs would be considered to have one unit per 1,666 square feet and would be allowed an FAR of 1.0.

In May, the Council adopted [Ordinance 127211](#) to implement changes to State regulations regarding ADUs, allowing two ADUs on any residential lot. CB 120993 would make the following changes to these regulations:

- Counts ADUs toward FAR and density limits;
- Prohibits ADUs accessory to residential uses other than attached, detached, or stacked dwelling units;
- Removes a provision that exempted exterior-only accessed storage areas from FAR limits;
- Removes special height limits for ADUs, applying the underlying height limit in all zones; and
- Removes provisions regarding separation of detached ADUs from principal structures.

Councilmembers may want to consider whether to count ADUs toward FAR and density limits, or whether they should continue to be counted separately from other density measures. Allowing ADUs in addition to the four or six units otherwise allowed on most lots may require additional environmental review. Similarly, exempting ADUs from FAR limits could require additional environmental review.

If ADUs are counted toward the maximum FAR and density limits, Councilmembers may want to consider allowing three ADUs on lots where four units are otherwise allowed.

Subdivisions and Lot-Splitting

The Land Use Code generally recognizes two paths to dividing one lot into separate lots: subdivisions and unit lot subdivisions. Subdivisions require that each parcel that is created through the subdivision process meet all requirements of the zone. Unit lot subdivisions can result in parcels that individually don't meet zoning requirements but do meet the requirements of the zone when considered together. Ordinance 127211 clarified that unit lot subdivisions cannot result in an ADU being located on a separate lot from the principal unit.

2025 Engrossed Second Substitute [HB 1096](#) has created a new way to create new lots: lot-splitting. Under HB 1096, the City must have an administrative process in place to allow the administrative division of a lot into two separate lots by July 2027. Lots created through lot splitting would need to meet the minimum lot size requirement of the Code, which under CB 120993, would be 5,000 square feet. HB 1096 includes several other requirements related to lot splitting.

The Washington State Department of Commerce has not yet published guidance for cities implementing these requirements. Additional work is needed to determine exactly how lot splitting can be implemented in Seattle. Councilmembers may want to request that the Executive prepare lot splitting regulations in advance of the July 2027 due date to comply with HB 1096.

Setbacks, Amenity Areas, and Tree Regulations

There are several overlapping ways developments can be regulated to meet the needs of residents for light, air, recreation, and aesthetics. Policies in the Land Use Element of the Comprehensive Plan cite the use of private or shared amenity areas, setbacks, open space, tree requirements, and landscaping/screening to address livability considerations as development occurs. CB 120993 proposes development standards addressing these issues that may or may not overlap on a given site: setbacks for buildings, amenity areas for residents, and tree planting/retention requirements. CB 120993 also proposes an increase in lot coverage from 35 percent to 50 percent. Consideration is warranted as to (1) how setback, amenity area, and tree regulations can best offset impacts of increased lot coverage, and (2) how such regulations can impact the potential building envelope and therefore the feasibility of middle housing development.

Setbacks

CB 120993 requires setbacks in NR zones as follows:

- Front setback: 10 feet
- Rear setback: 5 feet for ADUs, 10 feet for all other structures (no setback if abutting an alley)
- Side setback: 5 feet (no setback if abutting an alley)

Councilmembers may wish to differentiate setback requirements by number of units, as was enacted via amendment to the interim legislation.

Amenity Areas

CB 120993 requires amenity areas for NR and lowrise zones at 20 percent of the lot size, 50 percent of which must be at ground level. It establishes minimum dimensions and standards related to what can be located in an amenity area, including “decks, porches, and steps; swimming pools, spas, and hot tubs; stormwater management features, including but not limited to bioretention planters and cisterns; play equipment; and similar features.”

Councilmembers should consider whether each of these allowed amenities meets the desired intent of the amenity area and may wish to refine this list.

Tree Planting

CB 120993 establishes a points-based system for planting/retaining trees during development of dwelling units in NR zones.⁵ The number of points required would vary based on density, with denser development required to achieve a lower number of tree points per lot area. The Director’s Report indicates that use of this point system would encourage retention of existing trees and the planting of larger tree species and conifers. The Council may wish to add a tree planting area requirement that sets aside specific percentages or lot areas within or in addition to amenity areas for tree planting and retention.

The tree planting/retention requirements do not apply to construction of other uses beyond dwelling units. The Council may wish to consider whether these requirements should apply to other uses allowed in NR zones, such as schools.

⁵ The bill generally does not amend the tree protection provisions in the Code, except to reference the points-based system for tree planting.

Design Standards

CB 120993 adds new design standards for middle housing to NR zones. These standards would require:

- Pedestrian access between residential units and sidewalk or front lot line. A driveway can count as pedestrian access, and pedestrian access must be at least three feet wide; there are no other standards. Councilmembers should consider whether allowing pedestrian access to be located within a driveway provides safe access on lots with many parking spaces. Councilmembers may wish to ensure that pedestrian access is accessible.
- Pedestrian entries with weather protection on at least one street-facing facade. Councilmembers may wish to require that all pedestrian entries be connected to the required pedestrian access.
- At least 20 percent transparency, consisting of windows and doors, on each street-facing facade.

Standards related to exterior cladding that were part of the draft bill published in the fall of 2024 have been removed from the final bill. 2025 Senate Bill (SB) [5571](#) precludes the City from regulating exterior cladding through the land use code, except for local and national historic districts and landmarks. Because the cladding appropriate to each historic district will be distinct to that district, if the Council wishes to allow for standards related to exterior cladding in Seattle’s historic districts, it may want to authorize the Director of the Seattle Department of Construction and Inspections and the City’s Historic Preservation Boards to issue Director’s Rules or design guidelines regarding the appropriate cladding in each district.

Street and Sidewalk Improvement Thresholds

[Chapter 23.53](#) of the Seattle Municipal Code (SMC) sets requirements for streets, alleys, and access easements. The code generally applies these standards based on location within an urban center or village,⁶ the number of residential units on a lot, and the category of development. In NR zones, sidewalks, curbs, and curb ramps are required when ten or more residential units are developed. In other zones, where multifamily development is more prevalent, sidewalks, curbs, and curb ramps are required when six or more dwelling units are developed. The lower threshold in NR zones is because of the lower density of development that is permitted there. The amount of sidewalk frontage per unit in an NR zone is currently much lower than in multifamily zones, where four units may be built on a lot that would accommodate one unit in an NR zone.

⁶ CB 120985 would amend this chapter to update these terms to “regional and urban centers” consistent with the new terminology in the One Seattle Comprehensive Plan.

CB 120993 makes the following changes to these regulations:

- Changes references from “single family dwelling unit” to “one dwelling unit”;
- Exempts ADUs from pedestrian access and circulation requirements, consistent with State law;
- Consolidates vehicle access easement⁷ requirements for projects with less than 10 dwelling units.

Councilmembers may want to consider making other changes to this Chapter to better align these requirements with changes mandated by HB 1110 and the One Seattle Comprehensive Plan.

Vehicle access easements

Vehicle access easement requirements are currently set based on the number of units in a project. Because the City is required to remove parking requirements from major transit areas and is reducing the number of parking spaces required generally, these access easements may no longer be as appropriate. Councilmembers may want to instead apply vehicle access easement requirements based on the number of parking spaces on a lot, which would better match demand for vehicular access. This could reduce the costs for some development.

Pedestrian facilities

The code would apply higher requirements for pedestrian improvements on projects located in Regional and Urban Centers, based on the importance of pedestrian movement in those areas. The Council should consider whether the same requirements should apply within Neighborhood Centers or major transit areas where densities are increasing, and people are anticipated to walk to transit for many of their transportation needs. This could increase the costs for some development.

Parking

Parking requirements are intended to address the demand for parking created by new development. Generally, parking requirements are set based on the size of a project. However, demand for parking is dependent on variables outside of the number of units on a lot or square footage of a business. For example, higher-income households and households with children are more likely to own more cars than lower-income households and families without children. Complicating the issue, the demand for parking is, to some extent, driven by the availability of parking. There is evidence⁸ that easily available free or low-cost parking encourages more automobile ownership and use of cars for trips that otherwise would be made by people walking, bicycling, using transit, or using other lower-impact modes of transportation.

⁷ “Access easements” are grants by property owners to allow for travel across their property by adjacent properties. They are generally required when a subdivision results in a lot abutting a street, and a second lot located behind the street-facing lot. An easement is required to allow the occupants of the back lot to access the street either on foot (through a pedestrian access easement) or by vehicle (vehicular access easement).

⁸ See for example, Donald Shoup, *The High Cost of Free Parking*, 2005, or Oregon Department of Land Conservation & Development, [Parking Supply, Car Ownership, and Driving Rate: The evidence from five studies](#), 2022

The One Seattle Plan and CB 120993 include updated policies and regulations for off-street parking, reducing residential parking requirements consistent with State law. They do not implement all of the changes to off-street parking regulations analyzed under the [Final Environmental Impact Statement](#) (FEIS) for the One Seattle Plan, and they do not implement off of the requirements of 2025 Engrossed Substitute Senate Bill 5184 (ESB 5184), which will require the City to further reduce its parking regulations by January 2027.

CB 120993 would reduce residential parking requirements from one parking space per dwelling unit to one parking space for every two dwelling units in all zones. No parking would be required for residential uses within regional centers, station area overlay districts, frequent transit service areas, or major transit service areas. No changes are proposed to nonresidential parking requirements.

ESB 5184 and other recently adopted State laws will require the City to remove parking requirements from passive house projects, modular construction, mass timber construction, affordable housing, senior housing, and from residential units smaller than 1,200 square feet. The City will also be prohibited from requiring parking for non-residential uses under 3,000 square feet, child care centers, or ground-level commercial spaces in mixed-use buildings.

FEIS Alternative 5 analyzed the removal of off-street parking requirements citywide. It identified projects with more parking, garages and surface parking areas, as resulting in a greater contrast with existing low-density development than projects with less parking. It further identified parking as an impediment to contiguous open spaces. Off-street parking was identified as leading to greater impervious surface coverage leading to greater stormwater runoff.

Councilmembers should consider whether to amend to CB 120993 to implement recently adopted State Regulations, many of which will need to be adopted within the next two years. Councilmembers should also consider with the City's policy goals can best be implemented through removal of parking requirements citywide, rather than continuing to require off-street parking to be included with most development outside of major transit areas and frequent transit areas. Changes to these regulations may also require updates to the Comprehensive Plan's Land Use policies, which indicate support for some off-street parking requirements.

cc: Ben Noble, Director