

Amendment 6 Version #1 to CB 120969 OPCD Interim State Zoning Compliance ORD

Sponsor: Councilmember Rinck

Clarify and reorganize Neighborhood Residential and Lowrise density limits

Effect: This amendment would streamline and clarify the residential density limits for Neighborhood Residential (NR) and Lowrise (LR) zones. Changes would be made to

1. Reorganize the sections to increase usability.
2. Clarify that four units are allowed on any existing lot in NR and RSL zones. Minimum lot size requirements for NR zones remain unchanged by CB 120969.
3. Update the date that lots need to be in existence by to June 30, 2025.
4. Clarify that in RSL zones, one principal unit is permitted per 2,000 square feet, provided that a minimum of four or six units are allowed per the requirements of HB 1110.
5. Adjust the threshold for rounding in NR zones to round up if a calculation would result in 0.85 units, rather than 1.0 units.
6. Clarify a provision that stated that if a lot is subdivided after the effective date of the ordinance, one unit is allowed per lot.
7. Maintain the requirements for certifying that affordable housing units will remain affordable.
8. Restore language stating that in Lowrise zones, minimum lot sizes only apply to single-family dwellings, townhouses and some rowhouses, rather than attached and detached housing. Single-family dwellings in LR zones are subject to the development standards for townhouses under Seattle Municipal Code section 23.45.508.F.
9. Provisions related to calculating residential density in environmentally critical areas would be unchanged.

Amend Section 16 of CB 120969, as follows:

Section 16. Section 23.44.017 of the Seattle Municipal Code, last amended by the ordinance introduced as Council Bill 120949, is amended as follows:

23.44.017 Density limits

A. On lots in existence as of June 30, 2025, in ((~~the~~) NR1, NR2, ((~~and~~)) NR3, and RSL zones, the following density limits apply, except as otherwise provided in subsections 23.44.017.B, 23.44.017.C and 23.44.017.D. For the purposes of this Section 23.44.017, “dwelling unit” includes both principal and accessory units.

1. Up to four dwelling units are permitted per lot.

2. Up to six dwelling units are permitted per lot within one-quarter mile walking distance of a major transit stop.

3. Up to six dwelling units are permitted per lot located more than one-quarter mile walking distance away from a major transit stop, provided that at least two affordable principal dwelling units are provided, and the following requirements are met:

~~only one single-family dwelling unit is allowed per lot, except that accessory dwelling units may also be approved pursuant to Section 23.42.022 ((, and except as approved as part of an administrative conditional use permit under Section 25.09.260, a clustered housing planned development under Section 23.44.024, or a planned residential development under Section 23.44.034)).~~

~~B. The following provisions apply in RSL zones:~~

~~1. The minimum lot area per principal dwelling unit is 2,000 square feet.~~

~~2. ((Except as provided in subsection 23.44.017.B.3, when calculation of the number of principal dwelling units allowed according to subsection 23.44.017.B.1 results in a fraction of a unit, any fraction up to and including 0.85 constitutes zero additional principal dwelling units, and any fraction over 0.85 constitutes one additional principal dwelling unit.~~

~~3.)) For lots in existence on April 19, 2019, if the number of principal dwelling units allowed according to subsection 23.44.017.B.1 equals less than two, two units are allowed.~~

~~((4.)) 3. Accessory dwelling units are allowed pursuant to Section 23.42.022.~~

~~C. Lot density exceptions for lots that do 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. For the purposes of this subsection 23.44.017.C, dwelling units include both principal and accessory dwelling units.~~

~~1. A lot located more than one-quarter mile walking distance away from a major transit stop may be developed with up to four dwelling units if the lot meets the following criteria:~~

~~a. The lot was in existence as a legal building site prior to March 28, 2025;~~

~~b. The lot has not been divided through a subdivision or short subdivision since March 28, 2025; and~~

~~c. 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 located within one-quarter mile walking distance of a major transit stop may be developed with up to six units if the lot meets the following criteria:~~

~~a. The lot was in existence prior to March 28, 2025;~~

~~b. The lot has not been divided through a subdivision or short subdivision since March 28, 2025; and~~

~~e. 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. Notwithstanding subsection 23.44.017.C.1, a lot located more than one quarter mile walking distance away from a major transit stop may be developed with up to six units if the lot meets the following criteria:~~

~~a. The lot was in existence as a legal building site prior to March 28, 2025;~~

~~b. The lot has not been divided through a subdivision or short subdivision since March 28, 2025;~~

~~e. 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;~~

d-a. A regulatory agreement, covenant, or other legal instrument, recorded on the title of the property and enforceable by the City of Seattle, ensures affordability for income-eligible households for 50 years in at least two principal dwelling units as follows:

1) For rental housing, restricted units serving households with incomes no higher than 60 percent of median income at initial occupancy and with rents not exceeding 30 percent of 60 percent of median income; or

2) For ownership housing, restricted units sold to households with incomes no higher than 80 percent of median income at prices (initial sale and resale) that allow

modest growth in homeowner equity while maintaining long-term affordability for income-eligible buyers, as determined by the Director of Housing;

~~e.b.~~ The low-income units must be generally distributed throughout the development and have substantially the same functionality as unrestricted units in the development;

~~f.c.~~ To the extent practicable, the low-income units must be comparable to the unrestricted units in terms of square footage and number of bedrooms and bathrooms;

~~g.d.~~ Tenure (i.e., rental or ownership) of low-income units and unrestricted units must be the same;

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

~~i.f.~~ For ownership developments, the low-income units must be stewarded by a qualified non-profit organization including:

~~a.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

~~b.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;

~~i.g.~~ For purposes of this subsection 23.44.017.~~EA~~.3, qualified non-profit organization means a non-profit organization that the Office of Housing determines as experienced in the development and stewardship of permanently affordable homes;

~~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 must 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 23.44.017.~~CA~~.3 and the regulatory agreement, covenant, or legal instrument according to subsection 23.44.017.~~CA~~.3.~~ea~~; and

~~i.~~ In RSL zones that have a mandatory housing affordability suffix, the dwelling units for which the regulatory agreement, covenant, or other legal instrument required by subsection 23.44.017.~~CA~~.3.~~ea~~ ensures affordability as required by that subsection shall be counted towards any obligation to provide MHA-R units according to subsection 23.58C.050.A.

B. The following provisions apply in RSL zones:

1. The minimum lot area per principal dwelling unit is 2,000 square feet.

2. The number of dwelling units allowed on a lot existing as of June 30, 2025, is the greater of the number dwelling units allowed by subsection 23.44.017.A or subsection 23.44.017.B.1.

3. Accessory dwelling units are allowed pursuant to Section 23.42.022.

C. For lots, other than unit lots, created after June 30, 2025, the following provisions apply:

1. In NR1, NR2, and NR3 zones, only one single-family dwelling unit is allowed per lot.

2. In RSL zones, the minimum lot area per principal dwelling unit is 2,000 square feet.

3. Accessory dwelling units are allowed pursuant to Section 23.42.022.

D. Lot density exceptions for lots that ~~do~~ contain any riparian corridors; wetlands and their buffers; submerged lands and areas within the shoreline setback; or designated non-disturbance area in steep slopes. 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 one principal dwelling unit along with up to two accessory dwelling units pursuant to Section 23.42.022 or with the number of dwelling units calculated as follows:

1. Determine the number of dwelling units that would be allowed under subsection 23.44.017.~~CA~~ if no environmentally critical areas were located on the lot;
2. 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
3. Calculate the number of dwelling units by multiplying the number of ~~dwelling~~ units determined in subsection 23.44.017.D.1 by the percentage of the lot calculated in subsection 23.44.017.D.2.

E. ~~Measurement of minimum lot size and maximum density~~

- ~~1. When calculation of the number of 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 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.~~

~~F.~~ For the purpose of this Section 23.44.017, “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;

3. Areas where development is allowed under an administrative conditional use according to Section 25.09.260; and

4. 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.

F. Measurement of minimum lot size and maximum density

1. When calculation of the number of dwelling units allowed results in a fraction of a unit, any fraction over 0.85 constitutes one additional unit.

2. Congregate residence sleeping rooms shall be treated as one-fourth of a 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.

Amend Section 18 of CB 120969, as follows:

Section 18. Section 23.45.512 of the Seattle Municipal Code, last amended by the ordinance introduced as Council Bill 120949, is amended as follows:

23.45.512 Density limits and ((family-size unit requirements)) minimum lot size —LR zones

A. ~~Density limits~~ There is no density limit for residential development in LR zones, except that in LR1 zones for rowhouse development on interior lots, all townhouse development, and all single-family dwelling units, and for all residential development in all LR zones that do not have a mandatory housing affordability suffix, the number of dwelling units allowed on a lot is the greater of the number of dwelling units allowed under subsections 23.45.512.B or 23.45.512.C.

~~B1. Except as provided in subsection 23.45.512.A.2 and 23.45.512.C, attached and detached dwelling~~ Rowhouse development on interior lots, all townhouse development and all single-family dwelling units in LR1 zones, and all ~~units~~ residential development in LR zones that do not have a mandatory housing affordability suffix shall not exceed a density of one principal dwelling unit per 1,150 square feet of lot area((, except that apartments in LR3 zones that do not have a mandatory housing affordability suffix shall not exceed a density limit of one principal dwelling unit per 800 square feet)); except

~~((3. When density calculations result in a fraction of a unit, any fraction up to and including 0.85 constitutes zero additional units, and any fraction over 0.85 constitutes one additional principal dwelling unit.~~

4.)) 2. Low-low-income housing shall have a maximum density of one principal dwelling unit per 400 square feet of lot area.

~~((B. Family-sized unit requirements in LR1 zones~~

~~1. Apartment developments in LR1 zones with four or more principal dwelling units shall provide at least one unit with two or more bedrooms and a minimum net unit area of 850 square feet for every four principal dwelling units in the structure.~~

~~2. One unit with three or more bedrooms and a minimum net unit area of 1,050 square feet may be provided in place of any two principal dwelling units required to include two bedrooms and a minimum net unit area of 850 square feet.))~~

~~B. The minimum lot size for lots created through a subdivision process is the lot size necessary to allow a density of one unit.~~

~~C. Alternative Density Limits. Rowhouse development on interior lots, all townhouse development and all single-family dwelling units in LR1 zones and all residential development in LR zones that do not have a mandatory housing affordability suffix may include the number of dwelling units permitted under subsection 23.45.512.C.1 or 23.45.512.C.2, as applicable.~~

~~Exceptions to density limit. For the purposes of this subsection 23.45.512.C, dwelling units include both principal and accessory dwelling units.~~

~~1. Permitted densities. The following density limits apply on lots that do not contain any riparian corridors, any wetlands or their buffers, any submerged lands or areas within the shoreline setback, or designated non-disturbance area in steep slopes:~~

~~a. Up to four dwelling units are permitted on lots existing as of June 30, 2025.~~

~~b. Up to six dwelling units are permitted on all lots existing as of June 30, 2025 that are located within one-quarter mile walking distance of a major transit stop.~~

c. Up to six dwelling units are allowed on a lot existing as of June 30, 2025 provided that:

~~At least one unit is allowed on all lots existing as of March 28, 2025.~~

~~2. Nursing homes, congregate housing, and assisted living facilities ((, and accessory dwelling units that meet the standards of Section 23.42.022)) are exempt from the density limit set in subsection 23.45.512.A ((and the requirements in subsection 23.45.512.B)).~~

~~((D.)) 3. Dwelling unit(s) located in structures built prior to January 1, 1982 ((, as single family dwelling units)) that will remain in residential use are exempt from the density ((limits)) limit described in subsection 23.45.512.A.~~

~~((E. If dedication of right of way is required, permitted density shall be calculated before the dedication is made.))~~

~~4. A lot that does not meet the minimum size necessary for four dwelling units under subsection 23.45.512.A may be developed with up to four dwelling units if:~~

~~a. The lot was in existence as a legal building site prior to March 28, 2025;~~

~~b. The lot has not been divided through a subdivision or short subdivision since March 28, 2025; and~~

~~c. 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.~~

~~5. Notwithstanding subsection 23.45.512.C.4, a lot that does not meet the minimum size necessary for six units under subsection 23.45.512.A may be developed with up to six units if the lot meets the following criteria:~~

~~a. The lot is located within one-quarter mile walking distance of a major transit stop;~~

~~b. The lot was in existence as a legal building site prior to March 28, 2025;~~

~~c. The lot has not been divided through a subdivision or short subdivision since March 28, 2025; and~~

~~d. 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.~~

~~6. Notwithstanding subsection 23.45.512.C.4, a lot that does not meet the minimum size necessary for six units under subsection 23.45.512.A may be developed with up to six units if the lot meets the following criteria:~~

~~a. The lot is located more than one-quarter mile walking distance of a major transit stop;~~

~~b. The lot was in existence as a legal building site prior to March 28, 2025;~~

~~c. The lot has not been divided through a subdivision or short subdivision since March 28, 2025;~~

~~d. 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;~~

~~e. 1)~~ A regulatory agreement, covenant, or other legal instrument, recorded on the title of the property and enforceable by The City of Seattle, ensures affordability for income-eligible households for 50 years in at least two ~~principal~~ dwelling units as follows:

~~1a)~~ For rental housing, restricted units serving households with incomes no higher than 60 percent of median income at initial occupancy and with rents not exceeding 30 percent of 60 percent of median income; or

~~2b)~~ For ownership housing, restricted units sold to households with incomes no higher than 80 percent of median income at prices (initial sale and resale) that allow modest growth in homeowner equity while maintaining long-term affordability for income-eligible buyers, all as determined by the Director of Housing;

~~2)~~ The low-income units must be generally distributed throughout the development and have substantially the same functionality as unrestricted units in the development;

~~3)~~ To the extent practicable, the low-income units must be comparable to unrestricted units in terms of square footage and number of bedrooms and bathrooms;

~~4)~~ Tenure (i.e., rental or ownership) of low-income units and unrestricted units must be the same;

~~5)~~ The regulatory agreement, covenant, or other legal instrument must contain criteria and policies to maintain public benefit if the property is demolished or converted to a non-residential use;

~~6)~~ For ownership developments, the low-income units must be stewarded by a qualified non-profit organization including:

~~1a)~~ 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

~~2b)~~ 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;

~~7)~~ For purposes of this subsection 23.45.512.C.~~6.5.~~, qualified non-profit organization means a non-profit organization that the Office of Housing determines as experienced in the development and stewardship of permanently affordable homes;

~~8)~~ 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 must 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 23.45.512. C.~~6.1.c.~~ and the regulatory agreement, covenant, or legal instrument according to subsection 23.45.512.C.~~6.1.c.1.~~; and

~~9)~~ In zones that have a mandatory housing affordability suffix, the dwelling units for which the regulatory agreement, covenant, or other legal instrument required by subsection 23.45.512.C.~~6.1.c.1.~~ ensures affordability as required by that subsection shall be counted towards any obligation to provide MHA-R units according to subsection 23.58C.050.A.

~~7.2.~~ 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 the density limits in subsection 23.45.512.A-B or develop the lot with the number of principal and accessory dwelling units as follows:

a. Determine the number of ~~dwelling~~ units that would be allowed under ~~subsections 23.45.512.C.4 through 23.45.512.C.6~~ subsection 23.45.512.C.1 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;

c. Calculate the number of ~~permitted~~ dwelling units by multiplying the number of units determined in subsection 23.45.512.C.7-a.2.a. by the percentage of the lot calculated in subsection 23.45.512. C.7-b.2.b.

((F-)) ~~8D.~~ Adding units to existing structures

((1-)) 1. One additional principal dwelling unit may be added to an existing residential structure regardless of the density restrictions in subsection 23.45.512.B or ~~23.45.512.C~~ ((and the requirements in subsection 23.45.512.B)). An additional principal dwelling unit is allowed only if the proposed additional unit is to be located entirely within an existing structure, and no additional floor area to accommodate the new unit is proposed to be added to the existing structure.

((2-)) 2. For the purposes of this subsection ((23.45.512.F)) 23.45.512. C-8.D, "existing residential structures" are those that were established under permit as of October 31, 2001, or for which a permit has been granted and the permit has not expired as of October 31, 2001.

~~D.E.~~ Measurement of minimum lot size and maximum density

1. When density calculations result in a fraction of a unit, any fraction up to and including 0.85 constitutes zero additional units, and any fraction over 0.85 constitutes one additional unit.

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

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. When calculating maximum density, the number of dwelling units shall include accessory dwelling units and principal dwelling units.

~~E.F.~~ For the purpose of this Section 23.45.512, “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;

3. Areas where development is allowed under an administrative conditional use according to Section 25.09.260; and

4. 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.

G. Exception to Density Limits. Dwelling unit(s) located in structures built prior to January 1, 1982 that will remain in residential use are exempt from the density limit described in subsections 23.45.512.B and 23.45.512.C.

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Select Committee on the Comprehensive Plan
May 1, 2025
D#3

H. The minimum lot size for lots created through a subdivision process is the lot size necessary to allow a density of one principal dwelling unit.