



Seattle City Council

Central Staff - Memorandum

Date: July 16, 2015
To: Planning, Land Use, and Sustainability (PLUS) Committee Members
From: Ketil Freeman and Eric McConaghy, Council Central Staff
Subject: Council Bill (CB) 118407 -- Land Use Omnibus Legislation

I. Introduction

About every other year, the Department of Planning and Development (DPD) 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 DPD 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, however modest, are substantive and reflect policy choices for the Council.

PLUS Committee received a briefing on the bill ([Council Bill 118407](#)) on July 7. On Tuesday, July 21, PLUS will hold a public hearing and continue the discussion of the bill.

There is Council interest in further discussion of the selected amendments listed below; they are numbered as they appear in the Central Staff memorandum to PLUS dated July 1. The selections are queued in two groups: those identified for more clarification and those identified for possible removal from the bill.

II. More clarification

2.	23.41.004	Modify Design Review thresholds to address segmenting adjacent projects to avoid Design Review.
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This amendment addresses the instance of a developer dividing one project into two or more smaller projects in order to avoid design review. The proposed amendment would establish that design review is required for development that does not, by itself, exceed a threshold for design review but is contiguous to a site on which the collective size of proposed development does exceed design review thresholds. Staff and DPD are looking at potential modifications to the proposed language to determine whether there should be a minimum development size to trigger the requirement.

7.	23.44.041B	<p>Define the "conversion" of an existing accessory structure to a detached accessory dwelling unit (DADU) as "either keeping the accessory structure intact or removing and rebuilding the accessory structure, provided that any expansion or relocation of the accessory structure complies with the development standards..." This would allow portions of existing structures that are non-conforming to development standards to be wholly replaced in a new structure.</p> <p>Generally, the Code encourages non-conforming uses and structures to become more conforming over time. The proposed definition of conversion would be an exception to that long term goal.</p>
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15.	23.45.512	<p>Allow the construction of one single-family residence, meeting green building standards, to be built on a lot that is existing as of April 19, 2011* in a Lowrise zone, and having an area of less than 1,600 square feet. The density standard for single-family dwelling units in Lowrise zones is 1 per 1,600 square feet of lot area.</p>
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DPD provided one example of an application to build a single family residence on a 1,000 square foot lot in the Lowrise 2 (LR2) zone. The proposal would have required a variance from the standard. Permits records show that the applicant ultimately received a building permit for a two-unit rowhouse, allowed under the current standards. Note that there are no density limits for rowhouses in Lowrise zones and no density limits for townhouses and apartments built to green building performance standards in LR2 and LR3 zones.

21.	23.76.026	<p>Change the vesting date for a Master Use Permit (MUP) that includes a design review component for which more than one early design guidance public meeting (EDG) is held. The change would make vesting for projects with more than one EDG meeting to be the same as vesting for projects that have only one EDG meeting: effective the date a complete application for the early design guidance process is submitted to the Director. See <i>Vesting and EDG</i> table below.</p>
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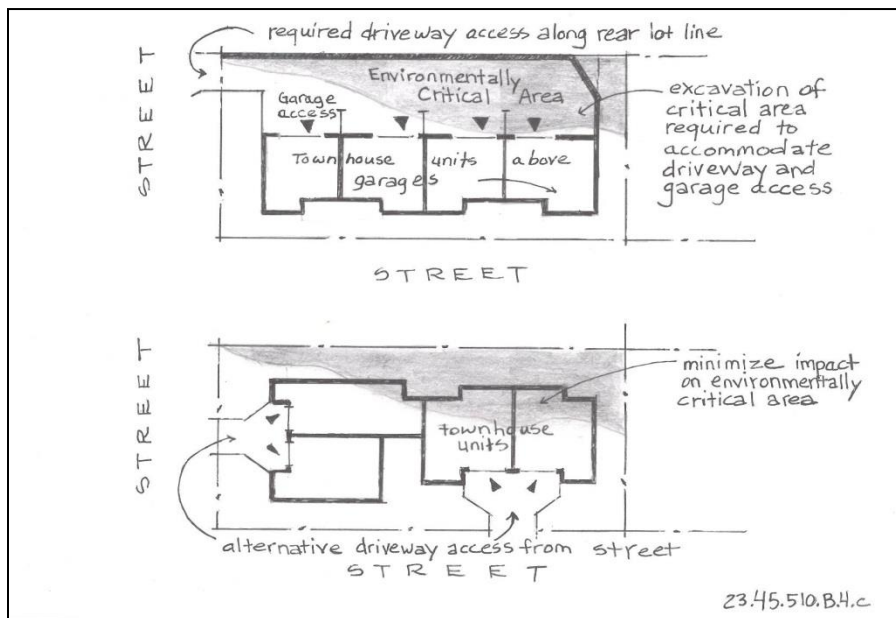
Vesting and EDG

EDG	Current Vesting	Proposed Change in Vesting	Provided...
One meeting	date of EDG application	n/a	Master Use Permit (MUP) application is filed within 90 days of the EDG meeting
More than one meeting	date of first EDG meeting	date of EDG application	MUP application is filed within 150 days of the first EDG meeting

III. Possible removal from the bill

8.	23.45.510	<p>Grant greater flexibility for development proposals to meet standards for locating parking behind structures and for locating access along rear lot lines in multifamily zones in return for FAR bonuses.</p> <p>The policy question is whether a change to the Code should be made to allow bonus FAR for projects on lots that by configuration do not allow for meeting the current standard. See <i>Figure B</i>, below.</p>
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Figure B from the DPD Director's Report



12.	25.08.590 and .655	Remove the requirement for public comment as part of the one-year review of major public project construction variances from noise standards and gives DPD the authority to revoke it as well as modify the conditions. The proposed change would eliminate a required public comment opportunity.
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DPD reports that Seattle receives comments during the entire duration of a construction variance for a major public project and that comments gathered at the one-year review of a variance are typically redundant with comments previously received.

IV. Next Steps

PLUS Committee will continue discussion of the bill on August 4 with a possible vote on a recommendation to Full Council.