

September 6, 2022

## MEMORANDUM

**To:** Land Use Committee  
**From:** Lish Whitson, Analyst  
**Subject:** Council Bill 120394: Townhouse Land Use Reforms

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On September 14, the Land Use Committee (Committee) will receive a briefing and hold a public hearing on [Council Bill \(CB\) 120394](#), which would amend the Land Use Code, Title 23 of the Seattle Municipal Code, (Code) to remove impediments to the development of townhouses and other multifamily uses. In summary, the bill would:

1. Modify the density limits for townhouses and rowhouses in Lowrise 1 (LR1) zones;
2. Update bicycle parking requirements and development standards;
3. Align access easement dimensions with the Fire Code and driveway requirements; and
4. Implement other minor modifications or clarifications to the Code, including:
  - a. Excluding surface parking that is only covered by projections from Floor Area Ratio limits in single-family and multifamily zones;
  - b. Modifying the maximum size of surface parking areas off alleys to allow parking off alleys in more circumstances;
  - c. Changing the minimum size of parking spaces in townhouse garages from large to medium; and
  - d. Clarifying how development standards such as density limits apply to lots with multiple types of residential structures.

This memorandum (1) describes townhouses and their differences from rowhouses under Seattle's zoning; (2) describes the proposed bill; (3) identifies issues for Councilmembers to consider, and (4) discusses next steps.

### **Townhouses and Rowhouses**

Under Seattle's zoning, townhouses and rowhouses are very similar development types. Each is a multifamily housing type consisting of units that (1) occupy the space between the ground and the sky and the roof without another unit above or below it<sup>1</sup> and (2) share a common wall or walls with abutting units.

The sole difference between the two housing types is their relation to the street. Rowhouses are required to have a visually prominent pedestrian entry with access directly to the street. No other unit may be located between any unit and the street faced by the front of that unit.

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<sup>1</sup> Exceptions are made for accessory units and shared common below-grade garages.

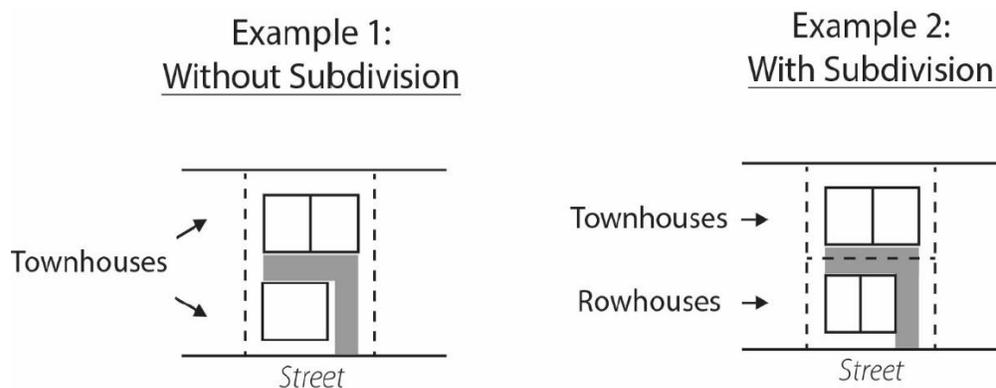
Townhouses may be oriented toward a shared common amenity area, rather than the street, if that amenity area is visible from and accessible from the street via a pedestrian path.

Because street-oriented units create more vibrant streetscapes by encouraging residents to use their front doors to access their community thus increasing pedestrian activity at multiple points along the street front, and by providing eyes on the street that make the neighborhood feel safer and more active, the Code provides incentives for the development of rowhouses rather than townhouses.<sup>2</sup> Among those incentives provided for rowhouses are:

1. Reduced front, rear, and side setback requirements;
2. No limit on the width of buildings; and
3. No density limit in LR1 zones for lots over 3,000 square feet. In LR1 zones, townhouses have a density limit of one unit per 1,300 square feet.<sup>3</sup>

In response to the combination of the density incentives and the requirement that there be no units between the street and any unit on a lot with rowhouses, developers have taken to subdividing lots. This allows rowhouses to be built on a lot abutting the street and townhouses on a separate lot behind the rowhouses. If the lot containing the rowhouses is at least 3,000 square feet, there will be no density limit on the rowhouses whereas townhouses have a density limit of at least one unit per 1,300 square feet. Figure 1, taken from the Office of Planning and Community Development (OPCD) [Director's Report](#) on CB 120394, shows this approach.

*Figure 1. Examples of townhouse/rowhouse development with and without subdividing a LR1 lot under current zoning.*



<sup>2</sup> Townhouse developments are required to provide at least 20% of each street-facing façade as doors and transparent windows.

<sup>3</sup> There is a density limit for rowhouses of 1 unit per 1,300 for interior lots that are 3,000 square feet or smaller. Interior lots are lots that are not located on a corner.

## **Council Bill 120394**

CB 120394 makes several changes to the regulation of multifamily zones. These amendments to the Code address (1) density limits; (2) bicycle parking; (3) access easements; and (4) other minor changes to residential development standards.

### Density Limits

The bill recognizes that most developers of LR1 lots are choosing to subdivide their lots, adding additional time and costs to development. The bill would lower the LR1 density limit on townhouses to one unit per 1,150 square feet, rather than the current one unit per 1,300 square feet. This is similar to the densities that are being achieved on townhouse/rowhouse projects that have been subdivided. A one unit per 1,150 square feet density limit would also apply to all rowhouses on interior lots. No changes are proposed to the total floor area or lot coverage allowed, and consequently this amendment will not increase the bulk of development. It should have the effect of encouraging the development of slightly more but narrower townhouses in the LR1 zone, and could encourage the development of more townhouses and fewer rowhouses on interior lots.

### Bicycle Parking

The code requires that one long-term bicycle parking space<sup>4</sup> be provided for every multifamily unit, including townhouses and rowhouses, and that an additional short-term bicycle parking space be provided for each 20 units. Bicycle parking requirements are rounded up, so a two-unit townhouse or rowhouse development would be required to provide at least one short-term bicycle parking space in addition to two long-term parking spaces. CB 120394 would remove the short-term bicycle parking requirement for rowhouses and townhouses. The requirement that each townhouse or rowhouse have one long-term bicycle parking space would remain.

Other changes would (1) allow required bicycle parking to be located on the ground floor within a townhouse or rowhouse unit; (2) exclude unenclosed bicycle parking from calculation of the amount of floor area on any multifamily lot; (3) allow detached sheds or lockers for required bicycle parking in required setbacks or separations on any multifamily lot; and (4) clarify that detached bicycle parking structures aren't counted toward the width of a building on any lot where there is a limit on building width.

### Access Easements

When a multifamily structure does not have street or alley access, access may be provided by an easement. For projects with between three and nine multifamily units, that easement is currently required to be 20 feet wide, based on previous versions of the Seattle Fire Code. The

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<sup>4</sup> "Long-term bicycle parking" is designed for bicycles that will be parked for four hours or longer, with an emphasis on security and weather protection. "Short-term bicycle parking" is designed for bicycles that will be parked for less than four hours, with an emphasis on visibility and ease of access.

current Fire Code requires that easements be at least 10 feet wide. CB 120394 would align the Land Use Code's requirement with the new 10 foot requirement.

### Other minor changes

Other changes included in CB 120394 would amend the code to (1) address vehicular parking development standards, (2) update calculations used to determine the appropriate development standards when there are multiple types of housing on one lot, and (3) exempt overhead weather protection from calculations of the width of a structure.

### *Automobile Parking*

The bill would make a few changes to the regulation of automobile parking accessory to townhouses and rowhouses, as follows:

- a. Parking areas covered by building overhangs are often considered part of the building's floor area. For neighborhood residential and multifamily zones, CB 120394 would exempt outdoor parking areas covered by building overhangs that extend up to four feet from a building, or six feet from a building when adjacent to an alley. This is intended to reduce the amount of impervious area used solely for parking.
- b. Slightly enlarge the area where parking can be located when accessed off an alley. The current rule is that parking must be located within 25 feet of an alley. CB 120394 would increase that to 28 feet to better accommodate vehicle turning needs.
- c. When a lot does not have street access, but abuts an alley, the area adjacent to the alley is considered the lot's front yard. Typically, parking is not allowed in front yards. CB 120394 would allow parking in front yards that abut alleys.
- d. Reduce the minimum required size of parking for townhouses to "medium" from "large." Medium parking spaces are at least eight feet wide by 16 feet long. Large parking spaces are eight and a half feet by 19 feet. Medium spaces are the standard required for rowhouses and single family development.

### *Calculations*

Occasionally a development will include more than one category of housing on a lot. For example, an existing single-family house may be retained with new townhouses built behind the house. The code currently uses the floor area planned for each use to determine how to divide the lot for the purposes of applying development standards. CB 120394 returns to an earlier way to calculate this split, which the Seattle Department of Construction and Inspections finds easier to apply. Under CB 120394, the area of the footprint of structures in each use would be used to divide the lot for the purposes of applying development standards.

### *Weather Protection*

CB 120394 would also clarify that in addition to cornices, eaves and gutters, roofs and other forms of weather protection are exempt from calculation of façade length or structure width. Many zones have limits on the maximum façade length or width of structures to reduce the appearance of bulk. This bill would exempt weather protection from those calculations. This change would apply to all zones with a structure width or facade length limit.

### **Potential Issues**

#### Density limits

CB 120369 would amend the Land Use Code to adjust the density limits for townhouses and rowhouses in LR1 zones. For a 5,000 square foot lot, current LR1 zoning limits a townhouse project to one unit for every 1,300 square feet, or three units.<sup>5</sup> Under the proposed bill, townhouse projects would be able to build one unit for every 1,150 square feet, or four units.

The bill is likely to reduce the number of times developers seek to subdivide property to create separate townhouse and rowhouse parcels, and increase the number of townhouse-only projects. Some townhouse units may also be smaller or narrower than they are under today's regulations.

For interior lots, the bill is likely to reduce the number of rowhouses that could be developed on some lots. Whereas today there is no density limit for rowhouses on an interior lot that is 3,000 square feet or larger, the proposed bill would add a limit of one unit per 1,150 square feet to rowhouse developments on interior lots regardless of lot size.

Depending on their policy goals, Councilmembers may want to consider one of the following amendments which both would maintain a small incentive for rowhouse development:

1. Removing the proposed density limit on rowhouses on interior lots greater than 3,000 square feet in LR1, allowing them to be built at densities higher than 1 unit per 1,150 square feet; or
2. Retaining existing density limits on townhouses, requiring them to be built at densities lower than one unit per 1,300 square feet.

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<sup>5</sup> Multifamily zoning uses a rounding threshold of 0.85 to determine how many units are permitted on a lot. For a 5,000 square foot lot with a 1,300 square foot per unit density limit, the density limit is 3.846 units. Because the remainder is less than or equal to 0.85, three units are permitted. Under these requirements, a parcel needs to be 5,006 square feet or larger to have four units.

## Bicycle Parking

Section 3 of CB 120369 would amend multifamily zone regulations related to setbacks and separations<sup>6</sup> to allow structures used exclusively for required bicycle parking to be placed in required setbacks or separations as follows:

13. Detached, unenclosed accessory structures up to 8 feet in height and used exclusively for required bike parking are allowed in any required setback or separation.

14. Detached accessory structures up to 10 feet in height and used exclusively for required bike parking are allowed in required separations.

The bicycle parking requirement in multifamily zones is one bicycle parking space per unit. Many prefabricated bicycle parking structures are designed to accommodate multiple bicycles, and their capacity may not match the number of bicycle parking spaces required for a project. Often households that own bicycles own more than one bicycle, while their neighbors may not own a bicycle. Under the proposed language, only one bicycle from each unit could be stored in these structures.

Councilmembers may want to consider amending these provisions to remove the word “required” preceding “bike parking” from these sections, allowing any number of bikes to use structures in required setbacks or separations. This could result in bulkier bike parking structures being located in setbacks or separations.

### **Next Steps**

The Committee will hold a public hearing on CB 120369 at its September 14 meeting. It may vote on the bill as early as its next meeting. Under the Growth Management Act, amendments to the bill may require additional public notice and ability to comment prior to final Council action. Please let me know if you are interested in pursuing an amendment to the bill as soon as possible.

cc: Esther Handy, Director  
Aly Pennucci, Deputy Director  
Yolanda Ho, Lead Analyst

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<sup>6</sup> Setbacks are required spaces between structures and property lines, intended to provide light and air to the street or adjacent properties and privacy to residents of the project. Separations are required spaces between buildings on the same property, intended to provide light, air, and privacy to residents of the project.