SEATTLE CITY COUNCIL
CENTRAL STAFF

CB 120969: Interim State Zoning Compliance Bill

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SELECT COMMITTEE ON THE COMPREHENSIVE PLAN
APRIL 16, 2025

OUTLINE

1. STATE MANDATES COVERED BY CB 120969
2. MIDDLE HOUSING TYPES
3. RESIDENTIAL DENSITIES
4. DEVELOPMENT STANDARDS
5. AFFORDABLE HOUSING
6. PARKING AND STREET IMPROVEMENTS
7. NEXT STEPS

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STATE MANDATES

- 2023 House Bill 1110 requires that the City allow middle housing in all residential zones
- House Bill 1293 requires that design standards be “clear and objective”
- Senate Bill 6015 places limits on requirements for off-street parking
- House Bill 1287 establishes requirements for electric vehicle charging in new developments

Council Bill 120969 has been drafted to implement these five bills.

It would be in effect for up to one year.

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MIDDLE HOUSING TYPES

HB 1110 requires Seattle to allow six of nine middle housing types in residential areas.

CB 120969 would allow all nine.

Photos: MAKERS for the Washington State Department of Commerce

MIDDLE HOUSING DEFINITION

The following housing types would be defined as middle housing – if they are in a structure that is less than 32 feet tall:

- Accessory Dwelling Unit
- Adult Family Home
- Apartment
- Carriage House
- Congregate Residence
- Cottage Housing Development
- Low-income Housing
- Mobile home
- Multifamily residential use
- Permanent supportive housing
- Rowhouse development
- Single-family dwelling unit
- Townhouse development

The only other code section to use this definition is in exemptions from motor vehicle and bicycle parking requirements.

STACKED FLATS

Stacked flats (apartments and condominiums) would be allowed in all residential zones

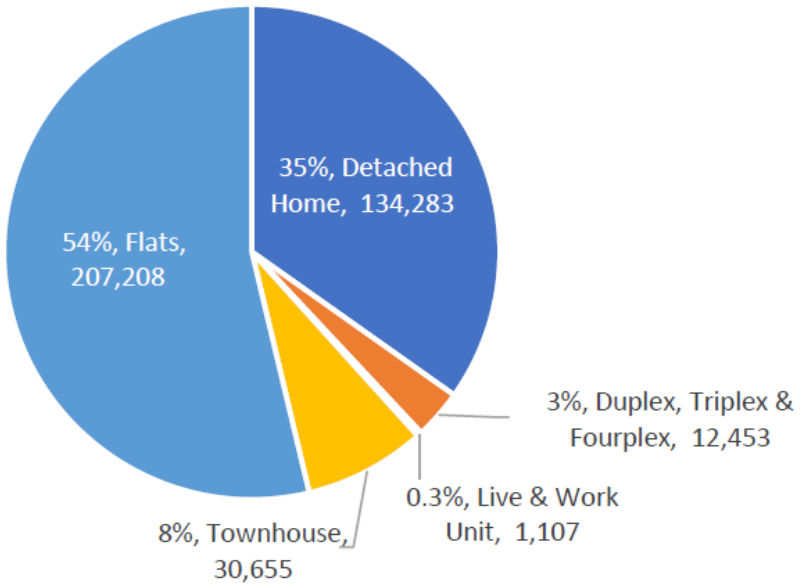
Majority of units currently in the City can be classified as “flats”

ECONorthwest analysis determined stacked flats are less likely to be built under than townhouses, due to:

- Increased construction costs
- If owner-occupied, requires a condominium

Stacked flats are likely to be less expensive than new single-family or townhouse units

Figure A-65
Seattle’s Housing Supply by Housing Type



STACKED FLATS INCENTIVES

The One Seattle Plan Zoning Update Draft “Phase 1” Legislation included an incentive to build stacked flats on lots greater than 6,000 square feet:

- Increased floor area ratio
- Double the density (units per square foot of lot area)

CB 120969 does not include an incentive for stacked flats.

Council could apply the highest FAR limits included in CB 120969 to stacked flat projects, regardless of the number of units in the project.

This could incentivize the development of some stacked flat projects.

Units in these projects would be large and likely more expensive.

LEGACY HOMEOWNER INCENTIVES

Council funded $3 million in 2024 to support homeowner stabilization services in communities at high risk of displacement.

The City's regulations related to ADUs may provide models for ways to support retention of existing houses with some development. The ADU regulations:

- Do not count ADUs toward the maximum FAR allowed on a site;
- Do not trigger requirements for street improvements;
- Allow additional units to be located in rear yards;
- Exempt new units from off-street parking requirements; and
- Support development of pre-approved designs.

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RESIDENTIAL DENSITIES

CB 120969 uses two main tools to regulate density:

Density Limits:

- Number of units permitted per lot, or
- Square feet of lot area per unit

Floor Area Ratio Limits:

- Ratio of square foot of space within structures to square foot of lot area
- Examples:
  - 2,500 square foot building on a 5,000 square foot lot = 0.5 FAR
  - 6,000 square foot building on a 5,000 square foot lot = 1.2 FAR

DENSITY LIMITS

Minimum Lot Area Depends on the Zone:

- Neighborhood Residential 1 (NR1) = 9,600 square feet
- Neighborhood Residential 2 (NR2) = 7,200 square feet
- Neighborhood Residential 3 (NR3) = 5,000 square feet
- Residential Small Lot (RSL) = 2,000 square feet

Existing lots and lots on blocks with smaller lot sizes can still be developed.

DENSITY LIMITS – UNITS PER LOT

4 units per lot in all areas that allow single-family houses

6 units per lot within a quarter mile of major transit stops

6 units per lot for projects with at least 2 affordable housing units

DENSITY LIMITS – ECA EXCEPTIONS

Number of possible units reduced by the percentage of a lot in environmentally critical areas:

- Riparian corridors
- Wetlands and their buffers
- Submerged lands and areas within the shoreline setback
- Designated no-disturbance area in steep slopes

Can always build one principal unit per lot in NR zones, or one unit per 2,000 square feet in RSL zones.

DENSITY LIMITS – FLOOR AREA RATIOS

Zone	Current	Proposed	
NR1, NR2, NR3	0.5 FAR or 2,500 sq. ft., whichever is more	< 1 unit/4,000 square feet: 1 unit/4,000 sq. ft. to 1 unit/2,201 sq. ft.: 1 unit/2,200 sq. ft. to 1 unit/1,601 sq. ft.: >= 1 unit/1,600 sq. ft.:	0.6 FAR 0.8 FAR 1.0 FAR 1.2 FAR
RSL	0.75 FAR	< 1 unit/4,000 square feet: 1 unit/4,000 sq. ft. to 1 unit/2,201 sq. ft.: 1 unit/2,200 sq. ft. to 1 unit/1,601 sq. ft.: >= 1 unit/1,600 sq. ft:	0.75 FAR 0.8 FAR 1.0 FAR 1.2 FAR

DENSITY LIMITS – ADUs

CB 120969 counts ADUs toward the maximum density limit.

CB 120949, currently in front of the Land Use Committee, would not count ADUs toward the unit density limit.

Because it will be adopted later, CB 120969 will prevail while it is in effect.

The two bills will need to be reconciled.

DENSITY LIMITS – MINIMUM FLOOR AREA

The current code allows a minimum of 2,500 square feet of development in NR zones, no matter how small the lot (provided it meets minimum size requirements)

CB 120969 increases the FAR allowed on a lot, but removes this provision

For example, a single-family house on a 3,750 square foot lot in an NR3 zone:

Current	Proposed
2,500 square feet	2,250 square feet

DENSITY LIMITS – ROUNDING

Decisions about rounding will have an impact on the margins in terms of how many units can be built on a lot.

Standard provisions:	Round up for more than 0.5, round down for 0.5 or below
Existing LR & RSL:	Round up for more than 0.85 units, round down for 0.85 or below
CB 120969 for NR & RSL:	Round down any fraction below 1.0

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DEVELOPMENT STANDARDS

Aside from density and FAR, CB 120969 also regulates the following standards:

- Structure height
- Setbacks/yards
- Lot coverage
- Structure width

HEIGHT LIMITS

Zone	Current Code	CB 120969	Model Code
NR	30 ft.; except 25 ft. if the structure width is less than 30 ft.; and 18 ft. if the area of the largest rectangle or other quadrilateral that can be drawn within the lot lines of the lot or unit lot is less than 3,200 sq. ft.	32 ft. plus height of pitched roof	35 ft. can be measured to height of pitched roof
RSL	30 ft.	32 ft. plus height of pitched roof	35 ft. can be measured to height of pitched roof
LR1	30 ft.	32 ft. plus height of pitched roof	Not applicable (N/A)
LR2 w/o MHA	30 ft.	32 ft. plus height of pitched roof	N/A
LR3 w/o MHA	30 ft.	32 ft. plus height of pitched roof	N/A

[1] Height limits for LR2 with MHA are 40 feet and LR3 zones with MHA are 40 or 50 feet. These would be unchanged under CB 120969.

YARD LIMITS

Location	Current Code in NR zones	Current Code in RSL Zone	CB 120969	Model Code
Front	Lesser of 20 ft. or average of adjacent single-family structures on each side	10 ft.	10 ft.	15 feet, except 10 feet for lots with a unit density of three or more.
Rear	Lesser of 25 ft. or 20% of lot depth, min. 10 ft.	10 ft., unless the rear yard abuts an alley, then no rear yard required	10 ft., unless the rear yard abuts an alley, then no rear yard required	15 feet, except 10 feet for lots with a unit density of three or more and 0 feet if the rear setback abuts an alley
Side	5 ft. unless the side lot line abuts an alley, then no side yard required	5 ft. unless the side lot line abuts an alley, then no side yard required	5 ft. unless the side yard abuts an alley, then no side yard required	5 feet
Garage	Not in front yard	Not in front yard	20 ft. from front lot line	20 ft.

SETBACK LIMITS

Location	Current Code	CB 120969
Front	Cottage housing, townhouses: 7 ft. average, 5 ft. minimum Rowhouses, apartments: 5 ft. minimum	7 ft. average 5 ft. minimum
Rear	Cottage housing: 7 ft. w/o alley, 0 ft. w/ alley Rowhouses: 7 ft. average, 5 ft. minimum w/0 alley, 0 ft. w/ alley Townhouses: 7 ft. average, 5 ft. minimum Apartments: 10 ft. w/ alley, 15 ft. minimum w/o alley	7 ft. average 5 ft. minimum w/o alley 0 ft. minimum w/ alley
Side	Cottage housing: 5 ft. Rowhouses: 0 ft. if abutting another; 3.5 ft. or 5 ft. if abutting SF zone Townhouses, apartments: 7 ft. average, 5 ft. minimum; 5 ft. minimum for facades more than 40 ft.	5 ft.

LOT COVERAGE

- Existing NR zone maximum lot coverage:
  - For a lot with less than 5,000 sq. ft.: 1,000 sq. ft + 15 percent of lot area
  - For a lot with 5,000 sq. ft.: 35 percent
- CB 120969: increases to 50 percent regardless of lot size
- Unchanged in RSL zones at 50 percent
- Model Code:
  - 55 percent for lots with 6 units,
  - 50 percent for lots with 4 or 5 units
  - 45 percent for lots 3 or less units

STRUCTURE WIDTH

- Existing LR zone structure width:
  - No limits for cottage and row housing
  - 60 ft. maximum width for townhouses
  - 45 ft. maximum for apartments

- CB 120969: Change to 90 feet maximum regardless of structure type

DEVELOPMENT STANDARD IMPACTS

The Council may want to consider:

- If these development standards allow for the types of housing the Council would like to see in the interim period;
- How CB 120969's proposed increase in maximum lot coverage in NR zones will impact tree retention and whether it meets the Council's tree retention goals;
- How CB 120969's proposed changes to setbacks, structure width, and heights in LR1 zones impact the flexibility allowed in the current code to retain trees and whether to amend any development standards relating to amenity areas or open space.

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HB 1110 AFFORDABLE HOUSING BONUS

- CB 120969 includes a provision from HB 1110 to allow six units per lot in NR zones, if at least two are affordable to low-income households.
- Affordable housing bonus is voluntary, not required.
- Non-profit developers are most likely to utilize the density bonus, due to the delta between an affordable price and a market-rate price.
- Council could exempt projects from MHA if they meet the density bonus requirements currently included in CB 120969.

MANDATORY HOUSING AFFORDABILITY (MHA)

- While CB 120969 would increase development capacity in NR zones, CB 120969 does not apply MHA to NR zones
- The Executive's proposal for permanent legislation to implement HB 1110 also would not apply MHA requirements to NR zones.
- HB 1110 allows jurisdictions to apply inclusionary zoning requirements in NR zones.
- Policy consideration for Council on whether to extend MHA to NR zones.

MHA DATA

Recent MHA evaluation found that for the model scenarios, MHA had negative impact on townhome feasibility in some low-rise (LR) zones

Since MHA inception:

- About 900 projects with 10 units or less that have made an MHA contribution in LR zones.
- About 220 projects with 10 units or less that have made an MHA contribution in RSL zones.

According to 2021 report by Grounded Solutions, out of 550 inclusionary housing programs: 17 percent had no unit threshold, 27 percent had a unit threshold between 2-5 units, 35 percent had a unit threshold between 6-10 units and eight percent had a unit threshold of 11 or more units.

MIDDLE HOUSING FEASIBILITY ANALYSIS (ECOnorthwest)

- Middle housing would be feasible on about 19 percent of the NR lots, or about 19,000 lots, based on the NR zoning proposal released by the Executive in October 2024.
- NR upzones would result in 36,400 units over a 20-year period, as compared to 13,700 that would be created under existing zoning, for a net increase of 22,700 units.
- If costs increased by $18,600 per unit, 25 percent of the projects would no longer be feasible and if development costs increased by $41,900, then 50 percent of the projects would no longer be feasible.

MHA OUTCOMES

- Since inception, MHA has generated about $300 million in affordable housing revenue. Over 30% of revenue has been from projects with 10 units or less in LR or Residential Small Lot (RSL) zones.
- Low-rise housing production has shifted to neighborhood residential zones following adoption of MHA and, subsequently, a change in ADU regulations. If the City implements NR upzones without MHA, that trend could continue, which could have an impact on MHA revenue.
- MHA has supported the production of 4,702 units since inception, through the Office of Housing's notice of funding availability process.
- 404 new income and rent restricted units have been created through the performance option. Only three projects with ten units or less have chosen the performance option.

MHA POLICY CONSIDERATIONS

- Under state law, an inclusionary zoning program can only be implemented at the same time that a development benefit, such as a density increase, is conveyed.
- MHA involves multiple policy choices: fee amount, performance amount, owner-occupancy exemption, unit threshold, timing of fee payment, i.e.
- If Council wanted to apply MHA to NR zones without impeding housing production in the near term, it would need to calibrate the requirement appropriately
- One option for Council to consider could be imposing a small fee in NR zones. As an illustrative example, it is estimated that 33,000 new units could be developed in NR areas over next 20 years. If an MHA fee of $5,000 per unit were applied and those units were developed, that could potentially result in $165 million over 20 years.

MHA POLICY CONSIDERATIONS

- If Council wanted to apply MHA to NR zones, it could do so in either the interim or permanent legislation.
- Waiting for the permanent legislation would allow Council to have more information.
- Law recommends that if Council intends to consider implementing MHA in NR zones in the permanent legislation, it state that policy intention when approving the interim legislation.

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RESIDENTIAL PARKING REQUIREMENTS

Currently one off-street space is required per unit

However, no parking is required:

- In Urban Centers,
- In Station Area Overlays,
- Within urban villages in LR or RSL zones near frequent transit,
- For low or moderate-income single-family houses or multifamily units,
- For Accessory Dwelling Units

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- For low or moderate-income single-family houses or multifamily units,
- For Accessory Dwelling Units,
- For middle housing within a half mile of a major transit stop

PEDESTRIAN INFRASTRUCTURE REQUIREMENTS

Sidewalks, curbs, and curb ramps are required when:

Location	Type of Residential Development*
Within Urban Centers and Urban Villages	New lots, other than unit lots, are created or development is proposed
Outside Urban Centers and Urban Villages	
On arterials	New lots, other than unit lots, are created or development is proposed
NR zones	10+ lots are created, or 10+ units are developed
Most other zones	Six or more lots are created, or six or more dwelling units are developed
	750 square feet of vehicle repair and multi-purpose retail sales are developed
	4,000 square feet or more of other non-residential uses

* Exception currently available for single-family houses will apply to development of one unit under CB 120969

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NEXT STEPS

Wednesday, April 30	Briefing
Wednesday, May 7	Discuss Possible Amendments to CB 120969
Monday, May 19	Public Hearing
Wednesday, May 21	Committee Votes
Tuesday, May 27	Council Vote

Questions?