

Rowhouse Developments on LR1-Zoned Lots Code Analysis - **DRAFT**

APPEAL ATTACHMENT 'Q'

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A common practice only found in Seattle's Lowrise 1 (LR1) multifamily residential zones is the single development of rowhouses with additional dwellings behind them. Although the zoning code does allow for small Accessory Dwelling Units (ADU) either behind or below rowhouse units, SMC 23.84A does not allow other detached dwelling types such as single-family and townhouses within the same development as rowhouses.

The zoning code has been carefully prepared to include diverse densities that consider accommodating the diverse populations within Seattle. Single family zones not only provide for families, but also allow affordable rental of a portion of the dwelling and sustainable practices such as gardening for fresh food. Single-family lots also provide the majority of Seattle's mandated 30-percent green canopy which promotes natural habitats, clean air, and reduction of heat islands within the city. LR1 multifamily provide a transition between single family property and incrementally denser zones such as LR2, LR3, NC1, and MR1. The LR1 zones allow for off-street parking, exterior amenity areas, on-site green canopy, bike parking, screened unit container areas, and some degree of privacy and home ownership within an urban setting. The dwellings within LR1 zones especially appeal to smaller households of moderate and upper incomes looking to live near urban centers and transit.

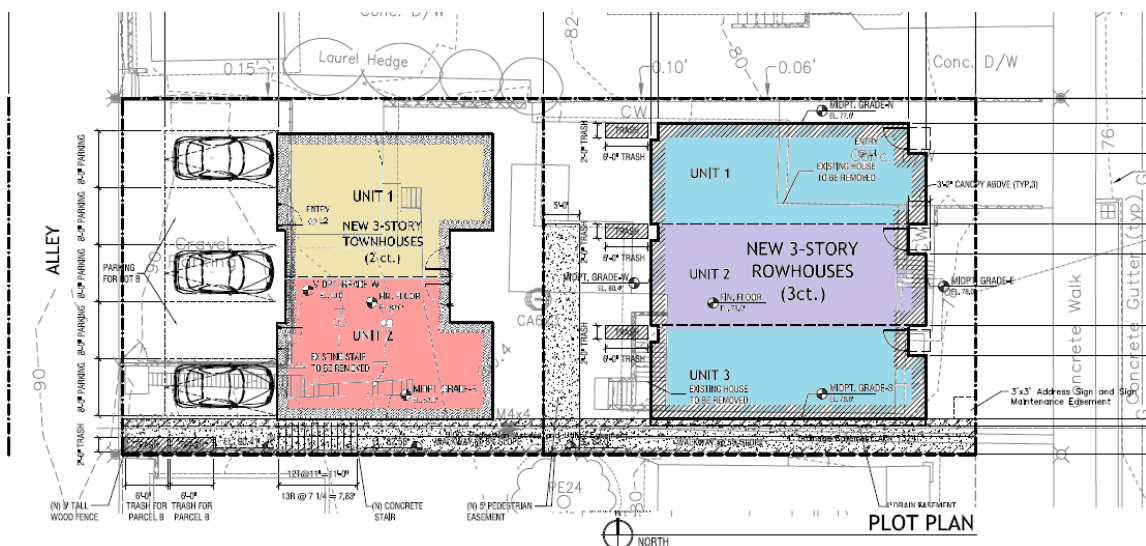


Figure 1- Example of two townhouses built within the same development site as three street-facing rowhouses on an LR1-zoned lot. This configuration does not meet the intent of the land use code.

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Developments that combine both rowhouses and other dwelling types within the same parent lot are effectively up-zoning to the higher LR2 and LR3 density levels without going through the proper procedures and approvals to up-zone a property or area. Most of the public are unfamiliar with the differences between low-rise zones although they suspect that something does not appear to be equitable to nearby LR1 developments. The City does not provide public notice when a property is intended to be developed with additional dwellings within the same development of rowhouses. Instead, they intentionally subdue the unofficial up-zoning practice that exceeds the density intent of the land use code by utilizing newly created addresses and multiple segmented permits.

I. SMC Rowhouse Development Rules

Specific to the requirements of the Seattle Municipal Code (SMC) land-use code section 23.84A.032 - "R" item 20, the intent and limits of rowhouse development are defined.

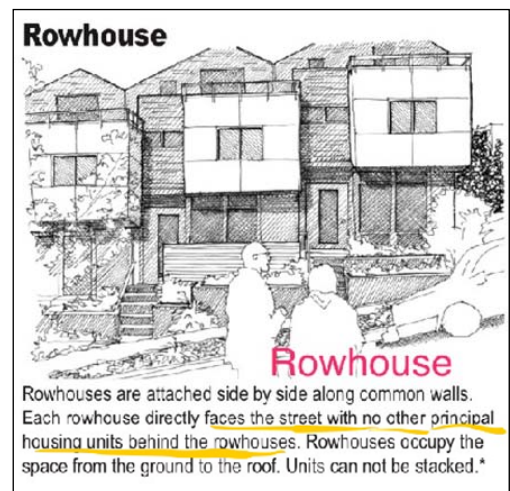
"Rowhouse development" means a multifamily residential use in which **all principal dwelling units on the lot** meet the following conditions:

- a. each dwelling unit occupies the space from the ground to the roof of the structure in which it is located;
- b. no portion of a dwelling unit, except for an accessory dwelling unit or shared parking garage, occupies space above or below another dwelling unit;
- c. **each dwelling unit is attached along at least one common wall** to at least one other dwelling unit, with habitable interior space on both sides of the common wall, or abuts another dwelling unit on a common lot line;
- d. the **front of each dwelling unit faces a street lot line**;
- e. each dwelling unit provides **pedestrian access directly to the street** that it faces; and
- f. **no portion of any other dwelling unit, except for an attached accessory dwelling unit, is located between any dwelling unit and the street** faced by the front of that unit.

https://www.municode.com/library/wa/seattle/codes/municipal_code?nodeId=TIT23LAUS_CO_SUBTITLE_IVAD_CH23.80ESPUFA

The City of Seattle has gone further to help explain to laypersons and developers the differences among housing types within low-rise multi-family zones LR1, LR2, and LR3 per a January 2016 document published on the Seattle Department of Construction and Inspections (SDCI, formerly DPD) website on Zoning Codes and Rules.

<http://www.seattle.gov/dpd/codesrules/codes/zoning/>



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The simplified low-rise zone descriptions were compiled into a table showing the differences in Cottage Housing, Rowhouses, Townhouses, and Apartments between each of the three LR zones (Figure 2). The differentiator of rowhouse development is briefly described by combining portions of the code narrative: “Rowhouses are attached side by side along common walls. Each rowhouse directly faces the street with no other principal unit behind rowhouses.”

Housing Types:
Development standards apply according to the following housing types: cottage housing, rowhouses, townhouses or apartments.
See SMC 23.44.032 for complete housing type definitions.

Cottage Housing



Individual cottage housing structures are arranged around a common open space. 800 SF is the maximum size allowed for each cottage.

Rowhouse



Rowhouses are attached side by side along common walls. Each rowhouse directly faces the street with no other principal housing units behind the rowhouses. Rowhouses occupy the space from the ground to the roof. Units can not be stacked.

Townhouse



Townhouses are attached along common walls. Townhouses occupy the space from the ground to the roof. Units can not be stacked. Principal townhouse units may be located behind other townhouse units as seen from the street.

Apartments



Multifamily housing that is not cottage housing, rowhouses, or townhouses is considered apartments. Apartment units may be stacked.

LR1 - Lowrise 1

The LR1 zone provides a transition between single family zoned areas and more intense multifamily and commercial areas. LR1 is most appropriate for areas outside of Growth Areas^{***}. A mix of housing types similar in scale to single family homes such as cottages, rowhouses and townhouses are encouraged.

Floor Area Ratio (FAR)**	1.1	1.0 or 1.2	0.9 or 1.1	1.0
Density Limit**	1 unit / 1,000 SF lot area	1 unit / 1,000 SF lot area on lots less than 3,000 SF All others: No Limit	1 unit / 2,000 SF or 1 unit / 1,000 SF lot area	1 unit / 2,000 SF lot area (duplexes and triplexes only)
Building Height	10' + 7' for a roof with minimum 6:12 pitch	30' + 5' for roof with minimum 6:12 pitch	30' + 5' for roof with minimum 6:12 pitch	30' + 5' for roof with minimum 6:12 pitch
Building Setbacks	Front: 7' Average, 5' minimum Rear: 7' with Alley, 7' no Alley Side: 5' minimum	Front: 5' minimum Rear: 7' with Alley, 7' average, 5' minimum Side: 5'	Front: 7' Average, 5' minimum Rear: 7' Average, 5' minimum Side: 5' if building is 40' or less in length, or 7' Average 5' min.	Front: 5' minimum Rear: 10' minimum with Alley, 10' minimum no Alley Side: 5' if building is 40' or less in length, or 7' Average 5' min.
Building Width Limit	80'	80'	80'	40'
Max. Facade Length	Applies to all: 65% of lot depth for portions within 10' of a side lot line that is not a street or alley lot line, and 40' for a rowhouse unit located within 10' of a lot line that abuts a lot in a single family zone.	Optional	Optional	Optional
SBR	Optional	Optional	Required for 3 or more units	Optional

LR2 - Lowrise 2

The LR2 zone provides for a variety of multifamily housing types in existing multifamily neighborhoods and along arterial streets. LR2 is most appropriate for areas within Growth Areas^{***}. A mix of small scale to moderate scale multifamily housing is encouraged including apartments, townhouses and rowhouses.

Floor Area Ratio (FAR)**	1.1	1.1 or 1.3	1.0 or 1.2	1.1 or 1.3
Density Limit**	1 unit / 1,000 SF lot area	No Limit	1 unit / 1,000 SF lot area or No Limit	1 unit / 1,000 SF or No Limit
Building Height	10' + 7' for a roof with minimum 6:12 pitch	30' + 5' for roof with minimum 6:12 pitch	30' + 5' for roof with minimum 6:12 pitch	30' + 5' for roof with minimum 6:12 pitch or 30' + 5' for partially below-grade floor
Building Setbacks	Same as LR1	Same as LR1	Same as LR1	Same as LR1
Building Width Limit	No Limit	No Limit	80'	80'
Max. Facade Length	Applies to all: 65% of lot length for portions of facades within 10' of a lot line that is not a rear, street or alley lot line, and 40' for a rowhouse unit located within 10' of a lot line that abuts a lot in a single family zone.	Optional	Optional	Optional
SBR	Optional	Optional	Required for 3 or more units	Optional

LR3 - Lowrise 3

The LR3 zone provides for a variety of multifamily housing types in existing multifamily neighborhoods of moderate scale. LR3 accommodates residential growth primarily within Growth Areas^{***}. A mix of small to moderate scale multifamily housing is encouraged including apartments, townhouses and rowhouses.

Floor Area Ratio (FAR)**	1.1	1.2 or 1.4	Growth Areas ^{***} : 1.2 or 1.4 Outside Growth Areas ^{***} : 1.1 or 1.3	Growth Areas ^{***} : 1.5 or 2.0 Outside Growth Areas ^{***} : 1.3 or 1.5 (1.5 on a street with frequent transit)
Building Height	10' + 7' for a roof with minimum 6:12 pitch	Rowhouses and Townhouses: 30' + 5' for roof with min. 6:12 pitch (no height added for below-grade floor). Note: In some cases development is limited to 3 or 4 stories above grade in addition to the height limit (also applies to apartments).	40' + 5' for roof with min. 6:12 pitch and +4' for partially below-grade floor, or +10' for roof with min. 6:12 pitch, or +4' for partially below-grade floor, 30' limit if within 50' of a single family zone.	40' + 5' for roof with min. 6:12 pitch, or +4' for partially below-grade floor, 30' limit if within 50' of a single family zone.
Density Limit**	1 unit / 1,000 SF lot area	No Limit	1 unit / 1,000 SF lot area or No Limit	1 unit / 800 SF lot area or No Limit
Building Setbacks	Same as LR1	Same as LR1	Same as LR1	Same as LR1
Building Width Limit	No Limit	No Limit	120' Outside growth areas, 150' inside growth areas	120' Outside growth areas, 150' inside growth areas
Max. Facade Length	Applies to all: 65% of lot depth for portions within 10' of a side lot line that is not a street or alley lot line, and 40' for a rowhouse unit located within 10' of a lot line that abuts a lot in a single family zone.	Optional	Optional	Optional
SBR	Optional	Optional	Required for 3 or more units	Optional

* Accessory Dwelling Units (ADUs) are allowed and don't count against the density limit that applies to these housing types.

** The higher FAR and density limits apply if the project meets additional standards regarding parking location and access, alley paving, and green building performance (SMC 23.45.510.C).

*** Growth Areas include urban centers, urban villages, and station area overlay districts.

Figure 2 – Lowrise Zoning Summary table from SDCI website on Zoning Codes and Rules (above). The diagram for Rowhouses shown on the prior page has been clipped from the header of the third column of this table.

http://www.seattle.gov/dpd/cs/groups/pan/@pan/documents/web_informational/dpds021571.pdf

II. SMC 23.34.014 - Lowrise 1 (LR1) zone, function and locational criteria

The City Planners have identified Locational Criteria specific for each multi-family residential zone. Indirect up-zoning through practices of subdivision ignore these criteria. The LR1 zone is most appropriate in areas generally characterized by the following conditions:

1. The area is similar in character to single-family zones;
2. The area is either:
 - a. located outside of an urban center, urban village, or Station Area Overlay District;
 - b. a limited area within an urban center, urban village, or Station Area Overlay District that would provide opportunities for a diversity of housing types within these denser environments; or
 - c. located on a collector or minor arterial;

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3. The area is characterized by a mix of single-family dwelling units, multifamily structures that are similar in scale to single-family dwelling units, such as rowhouse and townhouse developments, and single-family dwelling units that have been converted to multifamily residential use or are well-suited to conversion;
4. The area is characterized by local access and circulation that can accommodate low density multifamily development oriented to the ground level and the street, and/or by narrow roadways, lack of alleys, and/or irregular street patterns that make local access and circulation less suitable for higher density multifamily development;
5. The area would provide a gradual transition between single-family zoned areas and multifamily or neighborhood commercial zoned areas; and
6. The area is supported by existing or projected facilities and services used by residents, including retail sales and services, parks, and community centers.

23.45.512 - Density limits—LR zones

- A. The minimum lot area per dwelling unit in LR zones for cottage housing developments, townhouse developments, and apartments, is shown on Table A for [23.45.512](#), except as provided in subsections 23.45.512.B, 23.45.512.C, 23.45.512.D, 23.45.512.E, and 23.45.512.G.

Table A for 23.45.512 Density Limits in Lowrise Zones				
Zone	Units allowed per square foot of lot area by category of residential use ⁽¹⁾			
	Cottage housing development ⁽²⁾ and single-family dwelling unit ⁽⁶⁾	Rowhouse development	Townhouse development ⁽⁴⁾	Apartment ⁽⁵⁾
LR1	1/1,600	1/1,600 or No limit ⁽³⁾	1/2,200 or 1/1,600	1/2,000 Duplexes and Triplexes only
LR2	1/1,600	No limit	1/1,600 or No limit	1/1,200 or No limit
LR3	1/1,600	No limit	1/1,600 or No limit	1/800 or No limit

Footnotes for Table A for [23.45.512](#)

⁽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⁾ See [Section 23.45.531](#) for specific regulations about cottage housing developments.

⁽³⁾ The density limit for rowhouse development in LR1 zones applies only on lots less than 3,000 square feet in size.

⁽⁴⁾ For townhouse developments that meet the standards of subsection 23.45.510.C, the higher density shown is permitted in LR1 zones, and there is no density limit in LR2 and LR3 zones.

⁽⁵⁾ For apartments that meet the standards of subsection 23.45.510.C, there is no density limit in LR2 and LR3 zones.

⁽⁶⁾ One single-family residence meeting the standards of subsection 23.45.510.C and [Section 23.45.526](#) may be built on a lot that is existing as of April 19, 2011, and has an area of less than 1,600 square feet.

The code does not discuss this issue, but arguably it was not the intent behind Table A of SMC 23.45.512 to allow higher allowable density provided that a mix of unit types is provided. SMC 23.84A.032 defines “rowhouse development” to mean, in part, a development in which all units face a street, and in which no unit is placed between any other unit and the street that it faces. In contrast, townhome developments are not subject

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to this restriction—i.e., in a townhome development, some units may be placed behind others and there is no requirement that any of them front on a street.

III. SMC 23.45.512 - Lowrise zone allowable densities

Table A of Section 23.45.512 (above) increments increased density from LR1 up to LR3. *Indirect up-zoning through practices of subdivision ignore these limits.* For example, by examining Table A the density limits on 5,000 square foot lot, a compliant rowhouse development would not be limited by the number of dwellings provided there are no additional dwelling units on the development lot as indicated in SMC 23.84A.032[R][20](c) and (f). To the contrary, townhouses are limited to one dwelling for every 2,200 square feet of site area. Thus, the allowable number of townhomes on a 5,000 lot is calculated at 5,000 divided by 2,200 which equates to 2.27 (or rounded to 2) dwellings. By footnote (4) of Table A, the number of dwellings may be increased on the site if the development meets the exceptions of SMC 23.45.510.C. If meeting that section's provisions for (a) Green Performance design, and (b) off-street parking, and (c) improved alley access, then the development is limited to one dwelling for every 1,600 square feet of site area. Accordingly, the allowable number of townhomes on a 5,000 lot is calculated at 5,000 divided by 1,600 which equates to 3.125 (or rounded to 3) dwellings. The requirement of this bonus density is described in more detail later in this document. It is not clear why single family homes are permitted the higher density regardless of meeting the exceptions to SMC 23.45.510.C.

A typical Seattle lot being about 50 feet in width and 100 feet in depth will be allowed no more than three (3) rowhouses fronting 50 feet of street. By allowing an exception to LR1 density with additional one or more dwellings behind the rowhouses, the density limits are exceeded by one or more non-compliant dwelling units. One precaution when developments include existing dwellings that are to remain. Per SMC 23.45.512.E, 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 development density limits and dwelling count and the provisions of subsection 23.45.512.D.

IV. SDCI Position to Rowhouse Development on Short Plat Subdivisions:

In recent defense to an appeal of a rowhouse development with a single family home being located behind rowhouses on the same development or parent lot, the SDCI suggests that a short plat subdivision is an acceptable way to preclude the requirements of the SMC's rowhouse development rules. They suggest that the code's density limits are imposed on a per-lot basis (not a per-development basis). The condition that all units in a rowhouse development front on a street is also applied on a per-lot basis. The SMC requirements for short plat subdivision (and Lot Boundary Adjustments per chapter 23.28) may not preclude the configuration or size of a proposed lots. There may not be a minimum lot size within the LR1 zone provided there is no portion of the lot which is less than 10-feet in width. In all, while the proposed configuration of townhouses and

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rowhouses might not be possible under the parent lot configuration, the SDCI does not find anything illegal about reconfiguring the lots to eventually allow proposed development of single family and townhouses behind a row-house development.

With the developer's prior submissions that a parent lot development will be fully built out with rowhouses and other dwellings similar to that shown in Figure 1, SDCI knowingly allows a short plat subdivision to be approved and then subsequently reviews the dwellings being erected on those subdivided properties as if each was its own lot to meet the requirements of rowhouse developments defined in 23.84A.032 [R][20]. The short subdivision has no other purpose in a subdivision except to bypassing rowhouse development requirements. Typically, single developments comply with the density requirements for the parent lot, then followed by an application for Unit Lot Subdivision per SMC 23.24.045.C for the purpose of the sale and ownership of each dwelling.

SDCI typically unconditionally approves the subdivision understanding that the development of rowhouses on one of the proposed lots and a separate detached residence on the second proposed lot will not meet definitions and development intent of the Code. Furthermore, they will also argue that the enforcement of rowhouse development rules are not within the Hearing Examiner's jurisdiction, since the issues have nothing to do with conformity of the plat to the Code. In other words, approval of subdivisions focus on issues of lot configuration and access. With an approved subdivision, the City will not enforce that subdivided lots are to be separately developable. The SDCI states that the Seattle Office of the Hearing Examiner is not allowed to question the type of development that may occur as the dwellings planned for the development are considered a separate permit from the short plat subdivision. Building permit applications are not considered within the scope of short plat subdivision appeal and thereby not subject to the Hearing Examiner's jurisdiction in the context of an appeal of the plat. (Reference Section 23.24.040.)

The SDCI maintains that even if a proposed development were considered relevant to the platting proposal, any objections raised to issues of the meaning, application, and intent of the Code, particularly with respect to definitions of rowhouse and townhouse and whether density standards are met should be raised in a separate formal Code interpretation request per Section 23.88.020.C.3.c to be filed together with a short plat appeal. Such interpretations are billed to the objector for least \$3,150. Fortunately for those looking to question approvals, the Seattle City Council has recently approved a Council Bill 118985 that no longer requires a Code interpretation as an administrative remedy that must be exhausted prior to seeking judicial review.

V. What defines a development lot?

The SDCI is suggesting that a lot purchased within an LR1 zone – under the full understanding of the density limits for that lot – may be subsequently subdivided by the same property owner in order to consider each lot unrelated to the original parent lot density requirements. Yet, *nowhere in the Seattle Municipal Code* does it explicitly state

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there is an exception to the development rules of the parent lot if the property is subdivided in addition to applying for a building permit. Also, since the code also requires multifamily to be reviewed whereas single-family may be permitted outright, the intent to review multi-family development is being partially avoided by the practice of lot subdivisions. Again, the SMC does not explicitly state there is an exception to the multi-family development permitting requirements if one subdivides the property in addition to applying for building permits. *Single family homes that are part of a multi-family development should not be granted an exception to multifamily review requirements by the practice of subdividing the lot.*

A defined 'lot' is one that will be separately developed	SMC 23.84A.024 - "L"	"Lot" means [except for the purposes of a TDR sending lot for Landmark TDR or housing TDR, a sending lot for South Downtown Historic TDR or South Downtown Historic TDP, and a sending lot for open space TDR,] a parcel of land that qualifies for separate development or has been separately developed . A lot is the unit that the development standards of each zone are typically applied to.
A defined lot must have a dedicated and exclusive access to the street.	"	A lot shall abut upon and be accessible from a private or public street sufficiently improved for vehicle travel or abut upon and be accessible from an exclusive, unobstructed permanent access easement . A lot may not be divided by a street or alley (Exhibit A for 23.84A.024).
Verify with intent of CB that a (non-unit) lot may exist without street frontage.	"	(Ord. 125272 , § 64, 2017; Ord. 124475, § 9, 2014; Ord. 123913, § 45, 2012; Ord. 123649, § 59, 2011; Ord. 123589, § 99, 2011; Ord. 123564, § 10, 2011; Ord. 123495, § 86, 2011; Ord. 123046, § 61, 2009; Ord. 122311, § 100, 2006.)
Unit Lot Subdivisions (yet to be issued)	23.22.062 - Unit lot subdivisions	A. The provisions of this Section 23.22.062 apply exclusively to the unit subdivision of land for residential development including single-family dwelling units, townhouse, rowhouse, and cottage housing developments, and existing apartment structures built prior to January 1, 2013, but not individual apartment units, in all zones in which these uses are permitted, or any combination of the above types of residential development as permitted in the applicable zones.
If for Unit Lots the following is true, verify with intent of CB the same is not true for single development subdivisions: "Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot."	23.22.062 - Unit lot subdivisions	(Ord. 125272 , § 4, 2017; Ord. 124475, § 1, 2014; Ord. 124378 , § 1, 2013; Ord. 123495, § 2, 2011; Ord. 123046, § 1, 2009; Ord. 122190, § 1, 2006; Ord. 119618, § 1, 1999; Ord. 119239, § 1, 1998.)

Figure 3 - summary of Lot definitions in SMC 23.84A.024 [L].

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If a property is subdivided, it is important that each resulting new lot meets all the requirements of SMC 23.84A.024[L]. This land-use code section requires that each subdivided lot provides the following:

- A separate development;
- The lot abuts to a public or private street; or the lot shall be accessible from an *EXCLUSIVE* unobstructed permanent access easement; and
- The lot may not be divided by a street or alley.

The qualifier ‘*exclusive*’ has been emphasized as this would require that any new lot created away from the street front would have its own dedicated driveway that would not be shared by the rowhouses (or other dwellings) also located on the original parent lot. In almost every case where off-street parking is required, the exclusive use of a driveway for the newly subdivided lot is also used for off-street parking for all of the dwellings on the parent lot. A unit lot subdivision allows shared driveway easements, if required. But as described in part IX of this document, Rowhouse Developments would not be permitted within unit lot subdivisions with additional detached dwellings.

VI. Other LR1 requirements often waived with the over-development of LR1 lots with Short Plat Subdivisions:

By creating a short plat subdivision in lieu of the standard unit lot subdivision, the efficiencies of shared parent lot requirements are reduced or lost. Such short plat subdivisions often seek other exceptions from the land use code, such as:

- Row house development standards per SMC 23.45.510.E and SMC 23.84A.032(R)(20)
- Rowhouse density limits per SMC 23.45.512
- Floor Area Ratios (FAR) open space amenity requirements per SMC 23.45.510.E.4.b
- Tree preservation per SMC 25.11.040.A.6 and SMC 23.44.008(I).

The SDCI grant of modification, exception, or variance from one specific development standard does not relieve a developer from compliance with any other standard per SMC 23.02.020.D. Specifically, the original or parent lot zoning and Land Use standards should be applied to any short plat division of the lots. In other words, what was purchased as an LR1 zoned lot should be bound to the development limits of a LR1 lot.

On a case-by-case basis, subdivided parent lots should only be approved provided they will be developed under the land-use conditions applicable to the parent lot:

- Each lot shall provide adequate **solid waste and recyclable materials** storage and access per SMC 23.54.040;
- Each additional lot minimizes **traffic congestion** and enhance the **streetscape and pedestrian environment** per SMC 23.02.020;
- Each additional lot protects the **public health, safety, and welfare**, regarding vehicle and pedestrian sight lines per SMC 23.53.005.B.4 and Seattle Right Of Way Improvements Manual provisions 4.9.3 / 4.9.2 / 4.11.2 and 4.27;

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- Each lot protects **existing trees** per SMC 25.11.070;
- Each lot provides off-street parking sufficient for the number of dwellings on that lot; and
- Each lot provides useable and accessible exterior amenity areas at least equal to 25% of the proposed lots per SMC 23.45.522.A and 23.45.522.D.5. Since exterior amenity areas are often overlooked in subdivision developments, the following section will describe the required parameters of exterior amenity areas. As one will note, these exterior amenity areas are not simply the left-over spaces between property lines and the setbacks to new or remaining buildings.

VII. Required Exterior Amenity Areas

Per Seattle Municipal Code 23.45.522:

A. Amount of amenity area required for rowhouse and townhouse developments in LR zones:

1. The required amount of amenity area for rowhouse and townhouse developments and apartments in LR zones is equal to **25 percent of the lot area**.
2. A **minimum of 50 percent** of the required amenity area shall be provided at **ground level**, except that amenity area provided on the roof of a structure that meets the provisions of subsection 23.45.510.E.5 may be counted as amenity area **provided at ground level**.
3. For rowhouse and townhouse developments, amenity area required at ground level may be provided as **either private or common space** (note added by author: 'within each lot').

Later in this same code section:

D. General requirements. Required amenity areas shall meet the following conditions:

1. **All units shall have access** to a common or private amenity area.
2. Enclosed amenity areas
 - a. In LR zones, an amenity area **shall not be enclosed within a structure**.
- ...
4. **Private amenity areas**
 - a. There is **no minimum dimension for private amenity areas**, except that **if a private amenity area abuts a side lot line** that is not a side street lot line, the **minimum horizontal dimension** measured from the side lot line **is 10 feet**.
 - b. An **unenclosed porch** that is a minimum of 60 square feet in size and that faces a street or a common amenity area may be counted as part of the private amenity area for the rowhouse, townhouse, or cottage to which it is attached.
5. **Common amenity areas** for rowhouse and townhouse developments and apartments shall meet the following conditions:

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- a. No common amenity area shall be less than 250 square feet in area, and common amenity areas shall have a minimum horizontal dimension of 10 feet.
- b. Common amenity areas shall be improved as follows:
 - 1) At least 50 percent of a common amenity area provided at ground level shall be landscaped with grass, ground cover, bushes, bioretention facilities, and/or trees.
 - 2) Elements that enhance the usability and livability of the space for residents, such as seating, outdoor lighting, weather protection, art, or other similar features, shall be provided.
6. Parking areas, vehicular access easements, and driveways do not qualify as amenity areas, except that a woonerf may provide a maximum of 50 percent of the amenity area if the design of the woonerf is approved through a design review process pursuant to Chapter 23.41.
7. Swimming pools, spas, and hot tubs may be counted toward meeting the amenity area requirement.
8. Rooftop areas excluded because they are near minor communication utilities and accessory communication devices, pursuant to subsection 23.57.011.C.1, do not qualify as amenity areas.

VIII. Higher Density is not the Default as so often submitted in permit applications. Be sure developments demonstrate their compliance to gain the bonus exceptions.

In LR zones, in order to qualify for the higher density limits shown in Table A for 23.45.510 (as noted earlier in the document), the following standards shall be met:

1. Green building performance standards
 - a. Applicants shall make a commitment that the structure will meet **green building performance standards** by earning a Leadership in Energy and Environmental Design (LEED) Silver rating, certification by the Passive House Institute U. S., or the Passive House Institute, or a Built Green 4-star rating of the Master Builders Association of King and Snohomish Counties, except that an applicant who is applying for funding from the Washington State Housing Trust Fund and/or the Seattle Office of Housing to develop new affordable housing, may elect to meet green building performance standards by meeting the Washington Evergreen Sustainable Development Standards (ESDS). The standards referred to in this subsection 23.45.510.C.1.a are those identified in Section 23.45.526, and Section 23.45.526 shall apply as if the application were for new development gaining extra residential floor area.
 - b. If a site contains existing structures that were developed under the Land Use Code in place prior to April 19, 2011, the existing structures and any additions to those structures are not required to be upgraded to current

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green building performance standards for the higher FAR limits to apply to those structures. Any entirely new structure proposed to be built on the lot shall meet current green building performance standards to gain the higher FAR limit. If a structure is developed under the Land Use Code in place as of or after April 19, 2011, and was not built to the higher FAR, then in order for the structure or addition to gain the higher FAR, the structure shall be updated to current green building performance standards.

2. For all categories of residential use, if the lot abuts an alley and the alley is used for access, **improvements to the alley** shall be required as provided in subsections 23.53.030.E and 23.53.030.F, except that the alley shall be paved rather than improved with crushed rock, even for lots containing fewer than ten dwelling units.
3. Parking location if parking is provided:
 - a. For rowhouse and townhouse developments, parking shall be totally enclosed within the same structure as the residential use, located in a structure or portion of a structure that meets the requirements of subsection 23.45.510.E.5, or located in a parking area or structure at the rear of the lot. A parking area not within a structure that is located at the rear of the lot shall be located behind all structures except, if accessed from an alley, the parking area may be located no closer to the front lot line than 50 percent of the lot depth.
4. Access to parking if parking is provided:
 - a. Access to required barrier-free parking spaces may be from either a street or an alley. Subsections 23.45.510.C.4.b, 23.45.510.C.4.c, and 23.45.510.C.4.d do not apply to required barrier-free parking spaces.
 - b. If the lot abuts an alley, access to parking shall be from the alley, unless one or more of the conditions in subsection 23.45.536.C.2 are met.
 - c. If access cannot be provided from an alley, access shall be from a street if the following conditions are met:
 - 1) On corner lots, the driveway shall abut and run parallel to the rear lot line of the lot or a side lot line that is not a street lot line.
 - 2) On a non-corner lot, there is no more than one driveway per 160 feet of street frontage.
 - d. If access to parking does not meet one of the standards in this subsection 23.45.510.C.4, or if an exception is granted that allows parking access from both an alley and a street pursuant to subsection 23.45.536.C, the lower FAR limit on Table A for 23.45.510 applies.

Reference the above from Seattle Municipal Code Section 23.45.510.C

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IX. 23.22.062 - Unit lot subdivisions

A. The provisions of this Section 23.22.062 apply exclusively to the unit subdivision of land for single-family dwelling units, townhouse, rowhouse, and cottage housing developments, and existing apartment structures built prior to January 1, 2013 in all zones in which these uses are permitted, or any combination of the above types of residential development as permitted in the applicable zones.

B. Except for any site for which a permit has been issued pursuant to Sections 23.44.041 or 23.45.545 for a detached accessory dwelling unit, lots developed or proposed to be developed with uses described in subsection 23.22.062.A above may be subdivided into individual unit lots. *The development as a whole shall meet development standards applicable at the time the permit application is vested. As a result of the subdivision, development on individual unit lots may be nonconforming as to some or all of the development standards based on analysis of the individual unit lot, except that any private usable open space or private amenity area for each dwelling unit shall be provided on the same unit lot as the dwelling unit it serves.*

C. Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot.

X. Design Review Issues and Public Meeting Requirements:

SMC 23.41.004 establishes various zone-specific thresholds for design review. But that threshold does not apply to the LR1 zone. It applies to the mid-rise and high-rise zones, with a similar eight-unit threshold for the LR2 and LR3 zones. The only applicable provision that would trigger any form of design review for smaller LR1 projects is SMC 23.41.004.A.7. That subsection provides that streamlined design review (which does not require a public meeting or hearing) is required “for all new developments that include at least three townhouse units, if design review is not otherwise required by this subsection 23.41.004.A..” Timely petitions of fifty persons or more may also grant public hearings.

XI. The Lot Boundary Adjustments:

When there are multiple adjacent existing parent lots that are purchased by one developer, the developer may use of a lot boundary adjustment to drastically reconfigure the location of lot property lines. In particular, the lot boundary adjustment may be attempted to split the depth of the original lot for the same purpose of building one or more non-compliant dwellings behind rowhouses than would otherwise not be allowed on the same parent lot. Examining case law relative to Lot Boundary Adjustments may be helpful to define the intent relative to the current practice to longitudinally subdivide lots.

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