



Seattle City Council

Date: May 24, 2013

To: Diane Sugimura, Director, Department of Planning and Development (DPD)

From: Councilmember Tom Rasmussen
Councilmember Nick Licata
Council President Sally Clark

Subject: **Microhousing Regulations**

As you know, the City Council recently hosted two public forums on microhousing. We have carefully reviewed the information and public comments provided at those events and identified several potential code amendments we would like you and your staff to consider as you work to prepare regulatory legislation on microhousing for the Council's review. We have also compiled a list of information requests that we would like you to respond to as quickly as possible, and in no case later than when you publish your environmental (SEPA) review of the forthcoming legislation.

Amendment Requests

We appreciate DPD's current efforts to develop a legislative proposal that will clarify and amend the City's regulatory framework for microhousing. At minimum, it is our understanding that your proposal will include the following:

- A new definition of "microhousing" for inclusion on the Seattle Municipal Code;
- New design review thresholds that would apply specifically to microhousing; and
- A revised method of counting dwelling units in microhousing projects for the purposes of SEPA review and tracking progress toward the achievement of 2024 neighborhood growth targets.

We share your interest in pursuing all of these amendments. As you and your staff develop DPD's proposal, we request that you craft clear and specific language that is mindful of existing City practices for regulating congregate housing, boarding houses, townhomes, and traditional apartment buildings. An outcome of this effort should be to clarify and improve the quality of our multifamily regulatory codes.

In addition, we would like you to provide an analysis and recommendations for or against the following possible amendments that the Council may consider along with DPD's proposal¹:

¹ Please note that we have not listed any potential code amendments related to the participation of microhousing projects in the City's Multifamily Tax Exemption (MFTE) program. The Council's Housing, Human Services, Health and Culture Committee is currently working with the Office of Housing on a comprehensive review of the

- Establishing a minimum square foot size for sleeping rooms in microhousing projects and what, if any required minimum square foot size of shared/common areas per number of people expected to share the use of the shared/common space;
- Requiring sleeping rooms in microhousing projects to include private bathrooms;
- Revising the Housing Code to limit the tenancy of microhousing projects to one person per sleeping room;
- Prohibiting or limiting the construction of microhousing in certain zones such as L1, L2 and NC1. Also, please tell us what the possible/allowable unit counts overall would be in these zones, assuming particular dimensions for micro and standard apartment sizes;
- Requiring public notices of proposed microhousing projects to list the number of sleeping rooms that will be located in the building(s); and
- Distinguishing between and prohibiting the development of microhousing-style developments in all Single Family zones or placing further limits or controls on boarding houses that are allowed today in Single Family zones.

If amendments relating to the above issues or subjects are not incorporated into DPD's proposal, please provide us with a memo that explains the rationale for that decision. We also request that the SEPA review of DPD's legislative proposal be broad enough to cover the full range of issues and amendment options that we have requested consideration of above and that the Council might choose to pursue even if those amendments are not supported by DPD.

Requests for Further Information

In addition to considering the possible amendments listed above for possible inclusion in DPD's microhousing legislation, we would also like you and your staff to coordinate with other City departments and provide us with complete responses to the following information requests at the same time that DPD completes the legislation. The information you provide may lead to further items for inclusion in the legislation.

- ***Restricted Parking Zone (RPZ) permits***
We understand the Seattle Department of Transportation (SDOT) has begun working with DPD to develop processes for regulating microhousing at the dwelling unit level for purposes such as RPZ permit issuance. Within RPZs, the standard SDOT practice is to allow a total of up to four parking permits and one guest pass to be issued to the residents of individual dwelling units. In order to improve our understanding about the parking impacts associated with microhousing development, we would like DPD to work with SDOT to provide us with a complete accounting of all the RPZ permits that have so-far been issued to microhousing residents.
- ***Trash and recyclable storage***
Required dimensions for garbage, recyclables, and clean green collection and storage facilities in multifamily buildings are linked to residential unit counts. Applying the same area standards to microhousing projects as more traditional apartment buildings may not be

MFTE program and will consider options for amending the eligibility of microhousing projects as part of that process.

appropriate, given that a microhousing structure with 10 dwelling units and 80 sleeping rooms may generate more refuse than a conventional 10-unit apartment building. It is our understanding that DPD has asked Seattle Public Utilities (SPU) staff to review the City's list of known microhousing projects and provide information about any trash collection or storage problems that have occurred at those sites. We would like to review SPU's response to DPD's inquiry. If necessary based on SPU's response, we request that you work together to include revisions in the proposed legislation to the garbage collection and storage area standards that currently apply to microhousing.

- ***Tracking progress toward growth targets***

DPD's current practice of counting up to eight sleeping rooms within a microhousing project as part of a single dwelling unit impacts the way the City measures progress toward adopted housing growth targets in the urban centers and villages where microhousing is located. In response to concerns that have been raised about this practice, we understand your forthcoming legislative proposal will put forward a revised method of counting dwelling units in microhousing projects for the purpose of tracking progress toward growth targets. When you submit DPD's legislative proposal to the Council, please also provide a table that shows how the application of different counting methods would affect the amount of progress neighborhoods with permitted or completed microhousing projects (such as Capitol Hill and the University District) would appear to have made toward achieving their 2024 growth targets. For example, the table could compare scenarios where eight, four, two, and one sleeping rooms are defined as equivalent to a dwelling unit.

- ***Parks and open space***

Seattle's Comprehensive Plan establishes open space goals for the City's urban centers and villages. Some, though not all, of these goals are population-based. We would like DPD to work with the Department of Parks and Recreation (DPR) to quantify how the recent and rapid development of microhousing in certain urban centers and villages has increased the amount of open space the City would need to provide in those areas in order to fulfill the goals of the Comprehensive Plan.

- ***Design review***

Please describe how DPD arrived at its recommendation for new design review thresholds for microhousing, and identify all the threshold metrics you considered (e.g., gross square footage of buildings, number of sleeping rooms, number of dwelling units) and explain why DPD believes its recommendation is the most appropriate option.

- ***Bathroom components***

It is our understanding that the private bathrooms attached to sleeping rooms in microhousing projects are often comprised of just a toilet and a shower. Has DPD considered requiring these bathrooms to include a sink as well, which would increase the number of sinks in each sleeping room to two? Please provide a summary of the Department's rationale for either pursuing or not pursuing such a requirement.

- ***Fire and life safety***

Councilmember Rasmussen will be meeting with DPD staff on June 4 to discuss their responses to the various fire and life safety concerns that have been raised about microhousing buildings. He is particularly concerned about microhousing projects that were permitted before DPD Directors Rule 6-2012 became effective last June. Following that meeting, an additional information request may be forthcoming.

Schedule

The microhousing legislation is a high priority for us, and our desired timeline for moving it forward through the required Executive and Council review processes is provided below. The schedule was built around our understanding that DPD expects to complete its proposal, along with an accompanying Director’s Report and SEPA determination, by sometime in June. This could allow legislation to be submitted to the Council by the end of the summer; however, we realize the timeline for such a submittal will depend on whether any SEPA appeals are filed and how quickly the Hearing Examiner can schedule the required hearing for any appeal.

Task	Date
DPD completes proposed microhousing ordinance and Director’s Report and issues SEPA determination	June 27, 2013 (this is the last June publication date for the Land Use Information Bulletin)
SEPA appeal period ends	July 19, 2013*
DPD begins process of routing the proposed legislation to the Council via the City Budget Office, Law Department, and Mayor’s Office	July 22, 2013
Council receives the proposed legislation	August 13, 2013.
Council introduces legislation to the appropriate committee, publishes notice of public hearing, and schedules the first committee discussion of DPD’s legislative proposal	Early September 2013
Council committee review	September 2013 through November 2013
Full Council vote	December 2013

*The remainder of the schedule assumes that no SEPA appeal is filed.

Please let us know if you anticipate this proposed schedule will create challenges for DPD staff.

We look forward to working with you on microhousing regulations over the next several months. If you have any questions about the content of this memorandum, including any of the specific information requests, please let us know.