

**Planning and Development Department
Director's Administrative Code Interpretation**

File No. MIS10-0015

Date Issued: December 15, 2010

Subject: Interpretation of the definition of "lot coverage" as it applies to alley access (alley-loaded) lots of less than 2,900 square feet within the approved Planned Unit Development (PUD) zone.

Code References: Zoning Code Sections
ACC 18.04.550 (definition of lot coverage)
ACC 18.69.070 (Planned Unit Development - Subsequently repealed)

Zoning Designation(s): Planned Unit Development (PUD)

Applicant: Kristen M. Scott of Weber Thompson on behalf of
Charlie Conner of Conner Homes representing TA 40 Builders,
property owner

Background

The request relates to the plat of Monterey Park (a.k.a. Auburn 40) which was approved as a planned unit development (PUD) and to which standards the project is vested. The preliminary plat was approved by the Auburn City Council via adopting Resolution No. 3989 on March 6, 2006. The code section establishing the planned unit development (PUD) zoning district was repealed by Ordinance No. 5991 on April 17, 2006. The request is made in relation to forty-nine small (2,800 square feet) alley-loaded lots located in the center of the plat and within the portion of the site with the "Single Family Density" comprehensive plan designation (the entire plat consists of 239 lots). The original development standards of the PUD code section ACC 18.69.070 restrict the lot coverage to 40% within the "Single Family Density" designation. It also restricts the lot coverage to 60% within the "Multiple Family Density" designated portion of the plat. The application states that currently the two house plans the client would like to use on these forty-nine lots are modest two story homes with exterior porches between 5'-3" and 8'-3" deep extending across the entire width of the house in three out of four house design options.

The request states that the porches provide a visual reduction in the scale of the two-story mass of the building as well as creating highly usable covered outdoor living spaces. The application also states that the porches contribute to an active streetscape and a more secure environment.

Other Related Information:

The plat previously applied for and was granted an administrative approval of a minor adjustment to the previously approved preliminary plat (See related File No. MIS10-0009).

This administrative approval authorized a reduction in the front yard setback standards applicable to the plat for the alley-loaded lots. However, this previous application did not seek or include modification of the lot coverage standard; so while the setback was allowed to be reduced, the lot coverage was not. Subsequently, the final plat was approved by the city council which foreclosed the opportunity to apply for additional administrative modifications to the previously approved preliminary plat.

Discussion/Analysis

The wording of Auburn City Code (ACC) section 18.04.550 requested for interpretation states:

"Lot coverage" means that percentage of the plot or lot area covered by all buildings including accessory buildings and uses. Coverage is determined by measuring along a horizontal plane from the outermost edge of eaves, cornices, overhangs, or areas covered by a weather tight roof. The first two (2) feet of an eave overhang will, however, not be used in the lot coverage calculation."

The obvious purpose of this definition and the requirement is to limit how much of the lot can developed with structures; for the purpose of providing a maximum bulk, mass, scale and to establish an amount of undeveloped open space for light and air circulation. In conjunction with required setback standards, other secondary benefits include encouraging undeveloped green spaces for visual relief, stormwater management, and building separation for fire safety.

Based on the 2,800 square foot lot size, the allowed lot coverage of 40% is equal to 1,120 square feet. The house design options exceed this maximum lot coverage by 92 and 108 square feet. The applicant's two building designs proposed for these lots are their No. 2501 and 2502 stock plans; each with two options; whose primary differences are roofs, siding and porch designs.

Findings/Interpretation:

The application indicates that as an alternative the applicant could remove majority of the porch and/or remove the roof from the porch and meet the lot coverage maximum. However, this would be conflict with previous city approvals of the minimum architectural designs that were evaluated and established at the time of the city's previous PUD and plat approvals. Also, modifications to remove majority of the porch and/or remove the roof from the porch would increase the perceived bulk of the houses which would appear to conflict with spirit of the code requirements for lot coverage to limit perceived bulk.

The application also points out that other more contemporary zoning code standards of other zoning districts with similar lot sizes (the city's R10, Residential zoning district and above) allow 60% maximum lot coverage.

Decision

On the basis cited above, the Director interprets that "lot coverage" definition as it applies to the principal structure (main building) of alley-loaded lots of less than 2,900 square feet within an approved Planned Unit Development (PUD) to be determined by measuring along a horizontal plane from the outermost edge of eaves, cornices, overhangs, or areas covered

by a weather tight roof except for up to one hundred ten (110) square feet of porches without full height exterior walls (and excluding up to two feet of eaves). This interpretation is only valid with adherence to the following condition.

Condition

1) A deed restriction acceptable to the Planning Director or designee shall be recorded on the forty-nine (49) 2,800 square foot alley-loaded lots located in the center of the plat (Lots numbered 66-82, 85-89, 91-107, 145-149, & 152-156) which provides that no other building additions or separate structures with a weather tight roof (walled or non-walled - such as building additions, or freestanding sheds, carports, etc.) are allowed beyond the referenced stock plans 2501 or 2502. Evidence that the restriction has been recorded by the applicant shall be provided to the city prior to issuance of the building permit.

Appeals

Any person aggrieved of this decision may file an appeal with the Planning and Development Director within fourteen (14) days of mailing of the City's written code interpretation. This decision was mailed on December 15, 2010. The appeal must be filed at the Planning and Development Department at second floor, 1 East Main Street, Auburn, WA 98001 prior to 5:00 PM on or before December 29, 2010. The appeal must be accompanied with justification for the appeal required per ACC 18.70.050.E and include the required filing fee payable to the City of Auburn. Once filed, a hearing on the appeal is scheduled with the Hearing Examiner as prescribed in ACC 18.70.050.B.

Code References

ACC 18.02.060. Rules for administrative interpretations.

- A. The planning director shall be authorized to interpret the meaning of words, phrases and sentences which relate to the determining of uses permitted in the various zones, approval or disapproval of development plans, or other related zoning actions. Any interpretations regarding implementation of this title shall be made in accordance with the intent or purpose statement of the specific regulation and the comprehensive plan. Life, safety and public health regulations are assumed to prevail over all other regulations.
- B. The planning director may authorize uses in a zone other than those which are listed, if the planning director determines the use is consistent with the intent of the zone and is of the same general character of the uses permitted within the zone. Further guidance on administrative interpretations of land uses can be found in ACC 18.02.120.
- C. Administrative interpretations may be appealed to the hearing examiner as prescribed in Chapter 18.70 ACC.
- D. Administrative interpretations made by the planning director shall be documented, made available for public review, and docketed for inclusion to this title, when consistent with the title format and level of detail required. The city shall incorporate administrative interpretations upon approval of the legislative authority. (Ord. 6245 § 2, 2009; Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987. Formerly 18.02.040.)

ACC 18.04.550 Lot coverage.

"Lot coverage" means that percentage of the plot or lot area covered by all buildings including accessory buildings and uses. Coverage is determined by measuring along a horizontal plane from the outermost edge of eaves, cornices, overhangs, or areas covered by a weather tight roof. The first two (2) feet of an eave overhang will, however, not be used in the lot coverage calculation.