

**MEMORANDUM**

**TO:** Planning Commission

**FROM:** Allan Giffen, Planning Director 

**DATE:** July 12, 2016

**SUBJECT:** Code Amendment for Detached Accessory Dwelling Units (DADU's)

- A. **Background Information:** At the June 7, 2016 Planning Commission meeting, Mr. John Dimas presented a request to consider a code amendment to allow detached accessory dwelling units (DADU's) in Everett's single family zones. The Commission asked staff to provide additional information at a future commission meeting. Mr. Dimas also communicated the same request via email with the City Council and Mayor's office.
  
- B. **Previous Commission Consideration:** In 2009-10, the Planning Commission spent a considerable amount of time developing a recommendation to the City Council to allow DADU's for single family zoned lots with alley access. The City Council decided to not take any action on the recommendation.
  
- C. **Communication with Mayor and City Council:** Mayor Stephanson is concerned about again spending a lot of time on the proposed code amendment if City Council would not be receptive to considering a change. The Mayor's office communicated with the City Council president, who indicated interest in reviewing the subject again.
  
- D. **What is an Accessory Dwelling Unit?** The Zoning Code defines "accessory dwelling unit," or ADU, as "*an additional room or set of rooms located within an owner-occupied single-family dwelling and designed, arranged, occupied or intended to be occupied by not more than one family as living accommodations independent from the accommodations for the owner's family and subject to the limitations of Section 39.020(D) of this title.*"
  
- E. **Existing Regulations:** The City's zoning code has allowed attached ADU's since 1992, prior to State law mandating that cities over 20,000 in population must allow them. See attached regulations for attached ADU's. State law includes the following requirement:  
**RCW 43.63A.215 Accessory apartments—Development and placement—Local governments.**
  - (1) The department shall, in consultation with the affordable housing advisory board created in RCW 43.185B.020, report to the legislature on the development and placement of accessory apartments.
  - (3) Unless provided otherwise by the legislature, by December 31, 1994, local governments shall incorporate in their development regulations, zoning regulations, or official controls the recommendations contained in subsection (1) of this section. The

*accessory apartment provisions shall be part of the local government's development regulation, zoning regulation, or official control. To allow local flexibility, the recommendations shall be subject to such regulations, conditions, procedures, and limitations as determined by the local legislative authority. (emphasis added)*

The City's existing regulations allow ADU's only within a structure that is attached to the principal dwelling located on a single family zoned lot. It does not allow DADU's in single family zones. However, the H (Historic) Overlay Zone regulations allows for "infill dwelling units," which could be considered a detached accessory dwelling unit, on lots large enough to allow a duplex, subject to design guidelines applicable in the H overlay zone.

- F. **Comprehensive Plan text:** The Implementation section of the Housing Element of the Comprehensive Plan includes the following statements regarding DADU's and infill dwellings:

**Measures Related to the Land Use Element**

8. **Allow rear yard "infill dwellings" in single-family zones where alley access is available**

**Examples of Specific Potential Zoning Code Changes**

The following are examples of specific zoning code amendments that could be used to implement many of the housing objectives and policies of the Housing Element.

2. Revise the standards for accessory dwellings and "infill dwellings" as defined in the zoning code to also allow such units in detached buildings, subject to design guidelines.

- G. **Work Program if Commission Initiates Amendment:** Should the Planning Commission decide to initiate consideration of the requested code amendment, staff will prepare alternatives for consideration. As is typical with most code amendment processes, staff will conduct outreach to affected interests and neighborhoods. SEPA environmental review is required for zoning code amendments.
- H. **Staff Recommendation:** Staff recommends that the Planning Commission initiate consideration of a code amendment to allow DADU's in single family residential zones. A motion and affirmative vote is required. Staff encourages the Commission to take public comments during the discussion on this item.
- I. **Questions to Consider:** Should the Planning Commission agree to initiate consideration of the code amendment, on the following page are some questions to consider in review of potential regulations for DADU's.

### **Questions for Consideration Concerning Detached Accessory Dwelling Units (DADU's)**

1. Should the City require that one of the dwelling units, either the principal or the accessory dwelling unit, be occupied by the owner?
2. Should there be an additional off-street parking space required for an accessory dwelling unit?
3. Currently, only one electrical service meter and one water meter is allowed for both the principal and the accessory dwelling unit. Should this requirement remain or be removed?
4. Should there be a minimum and/or maximum size limit on the DADU, or a requirement that it be smaller in size than the principal dwelling?
5. Should the location of a DADU be behind the principal dwelling or should DADU's be allowed anywhere they fit on the lot?
6. Should there be a minimum separation between the principal dwelling and DADU?
7. Should there be a minimum open space area between the principal dwelling and DADU?
8. Should the design of the DADU be similar to the principal dwelling (e.g., similar exterior finish materials, roof pitch, window orientation, etc.)?
9. Should DADU's be allowed to be as tall as 28 feet, the same as allowed for a single family dwelling in a single family zone?
10. Should the City encourage DADU's to be located above an detached garage?
11. Should DADU's only be allowed on lots with alley access or should they also be allowed on lots without an alley?
12. Should the City provide amnesty for existing illegal DADU's if the owner secures building permits and complies with zoning standards to the extent feasible?

D. Accessory Dwelling Units. Accessory dwelling units are permitted through Review Process I in the zones in which they are listed in the use-standards table as a permitted use. The following standards and regulations shall apply to all proposed accessory dwelling units:

1. Accessory dwelling units are prohibited on lots within an easement access short subdivision. An accessory dwelling unit may be established in an existing single-family dwelling unit, on lots containing at least five thousand square feet, by any one or a combination of the following methods:

- a. Alteration of interior space of the dwelling;
- b. Conversion of an attic, basement, attached garage, or other previously uninhabited portion of a dwelling or attached accessory structure; or
- c. Addition of attached living area onto an existing dwelling.

2. Each single-family dwelling on a legal building lot shall have not more than one accessory dwelling unit. No accessory dwelling may be located in any detached accessory structure.

3. One of the dwelling units shall be occupied by one or more owners of the property as the owner's permanent and principal residence. "Owners" includes title holders and contract purchasers. The owner shall file a certification of owner-occupancy with the planning department prior to the issuance of the permit to establish an accessory dwelling unit.

4. The floor area of the accessory dwelling unit shall not exceed forty percent of the total floor area of the structure, or eight hundred square feet, whichever is less.

5. The total number of persons who may occupy the principal and accessory dwelling units combined shall not exceed the number of persons that are defined by this title as a "family."

6. Three off-street parking spaces shall be provided for the principal and accessory dwelling units. When the property abuts an alley, the off-street parking space for the accessory dwelling unit shall gain access from the alley, unless topography makes such access impossible.

7. The single-family appearance and character of the dwelling shall be maintained when viewed from the surrounding neighborhood. Only one entrance to the residential structure may be located on any street side of the structure; provided, that this limitation shall not affect the

eligibility of a residential structure which has more than one entrance on the front or street side on the effective date of the ordinance codified in this chapter.

8. Only one electric and one water meter shall be allowed for the entire building, serving both the principal and accessory dwelling unit.

9. The secondary and principal dwelling unit shall comply with all applicable requirements of the Uniform Building Code as adopted or amended by the city.

10. The owner of a single-family dwelling with an accessory dwelling unit shall file an owner's certificate of occupancy in a form acceptable to the city attorney no later than April 1st of each year. Any person who falsely certifies that he or she resides in a dwelling unit at the stated address to satisfy the requirements of this section shall be subject to the violation and penalty provisions of Section [41.030](#) of this title.

11. A permit for an accessory dwelling unit shall not be transferable to any lot other than the lot described in the application.

12. All accessory dwelling units shall also be subject to the condition that such a permit shall automatically expire whenever:

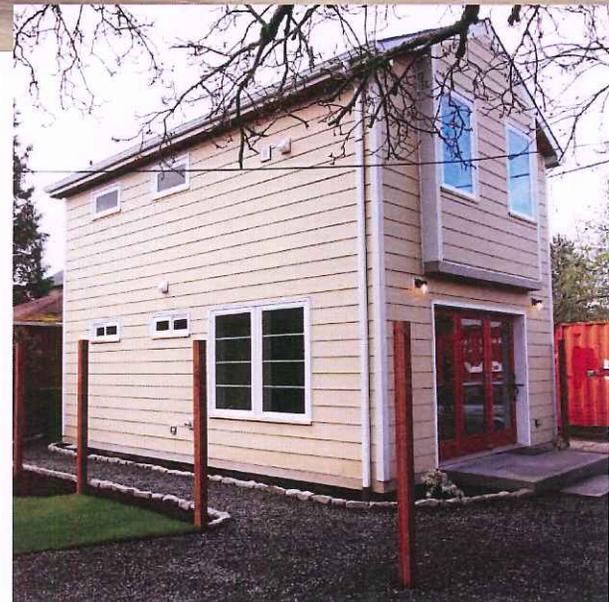
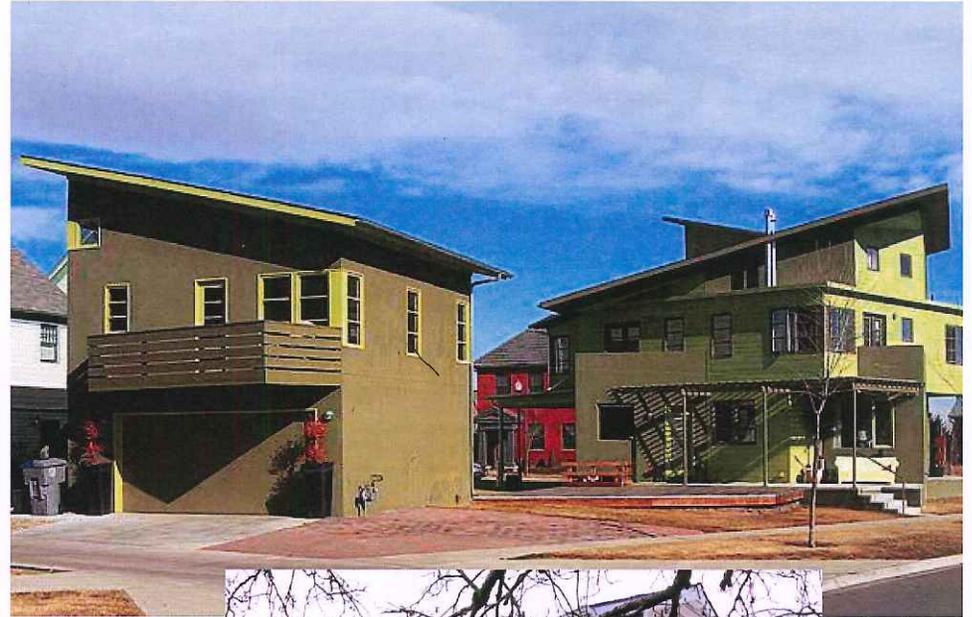
a. The accessory dwelling unit is substantially altered and is thus no longer in conformance with the plans approved by both the planning director and the building official;

b. The subject lot ceases to maintain at least three off-street parking spaces; or

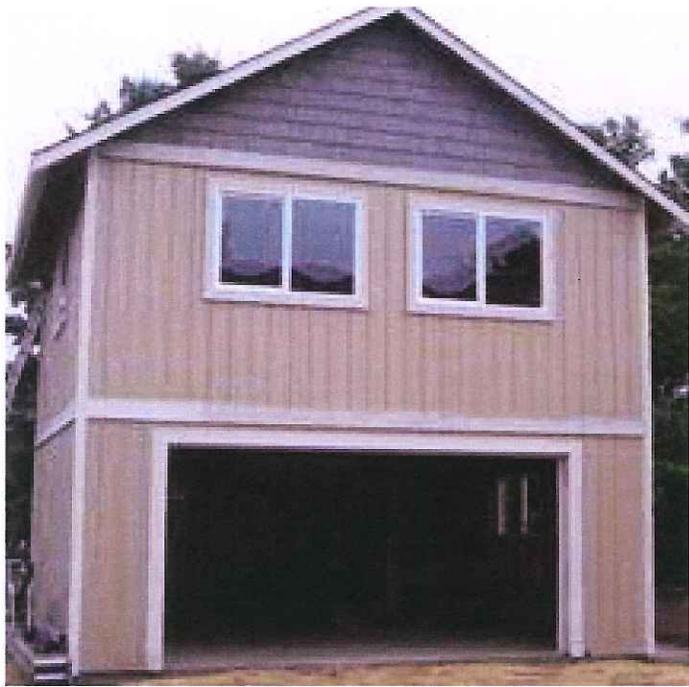
c. The applicant ceases to own or reside in either the principal or the accessory dwelling unit.

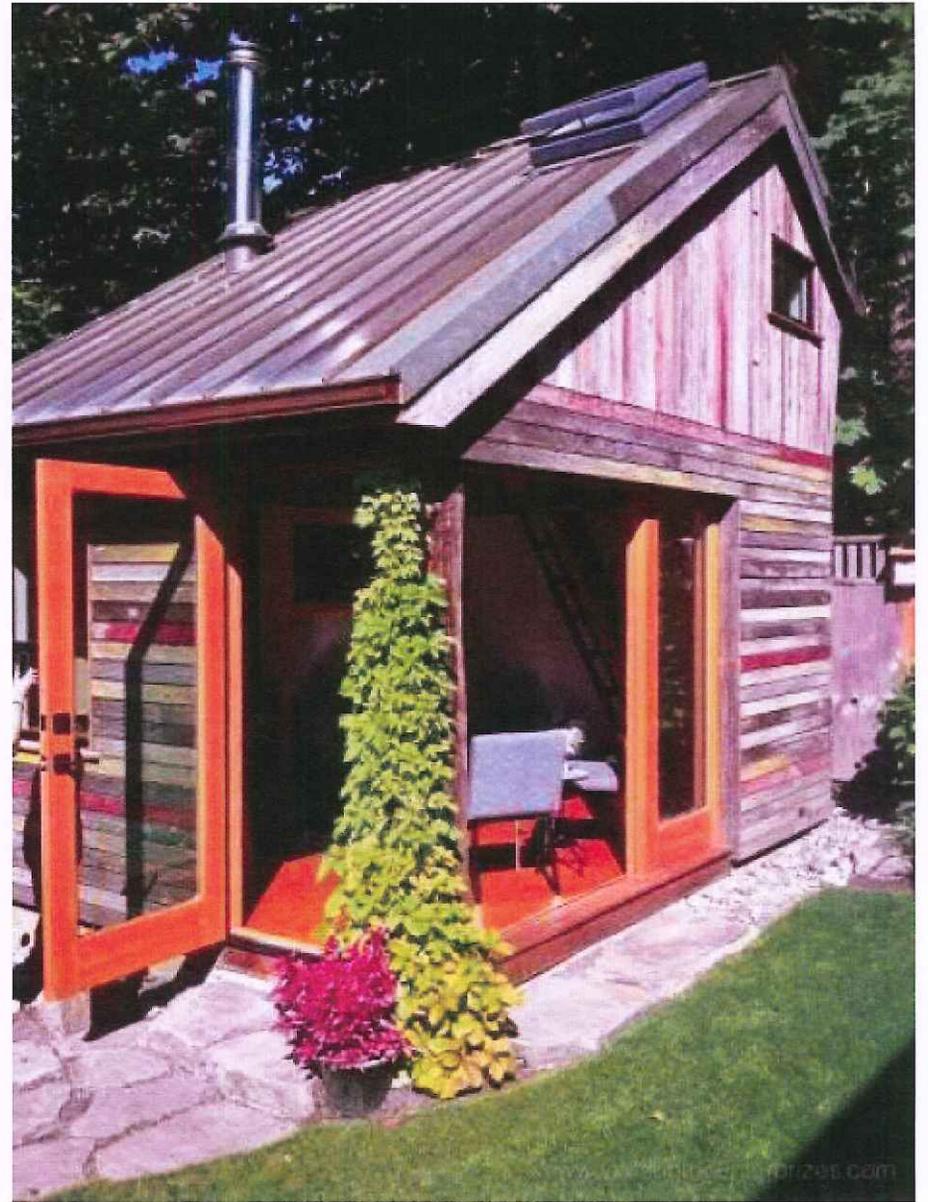
13. The applicant shall provide a covenant in a form acceptable to the city attorney and suitable for recording with the county auditor, providing notice to future owners or long-term lessors of the subject lot that the existence of the accessory dwelling unit is predicated upon the occupancy of either the accessory dwelling unit or the principal dwelling by the person to whom the accessory dwelling unit permit has been issued. The covenant shall also require any owner of the property to notify a prospective buyer of the limitations of this section and to provide for the removal of improvements added to convert the premises to an accessory dwelling unit and the restoration of the site to a single-family dwelling in the event that any condition of approval is violated.

# Images of Detached ADU's









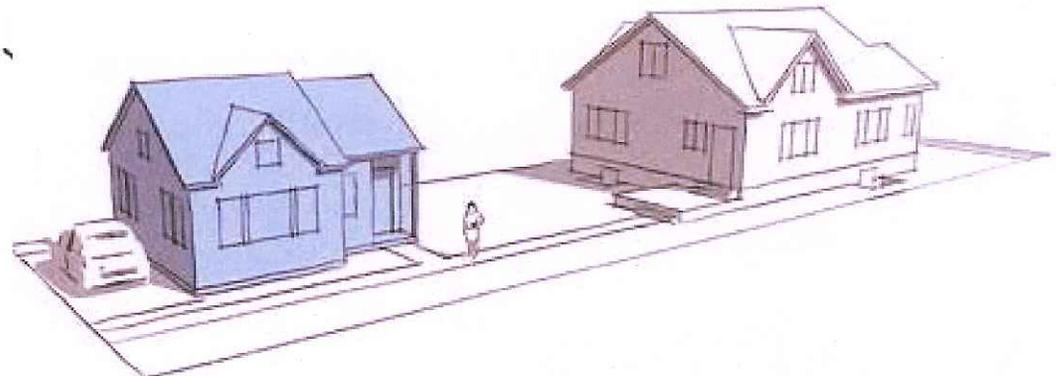
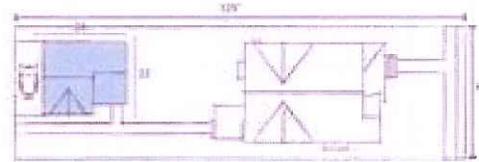
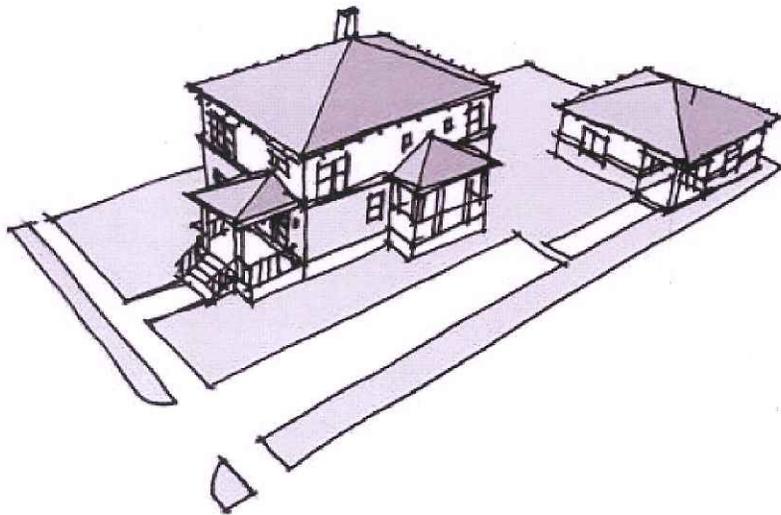




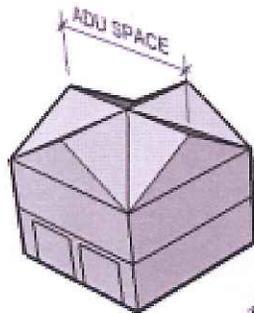


Detached Accessory Dwelling Unit  
no enclosed parking

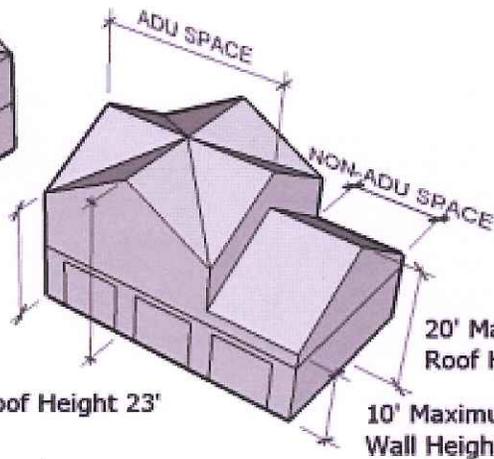
500 sqft



### Sec. 2.4.2. Backyard Cottage

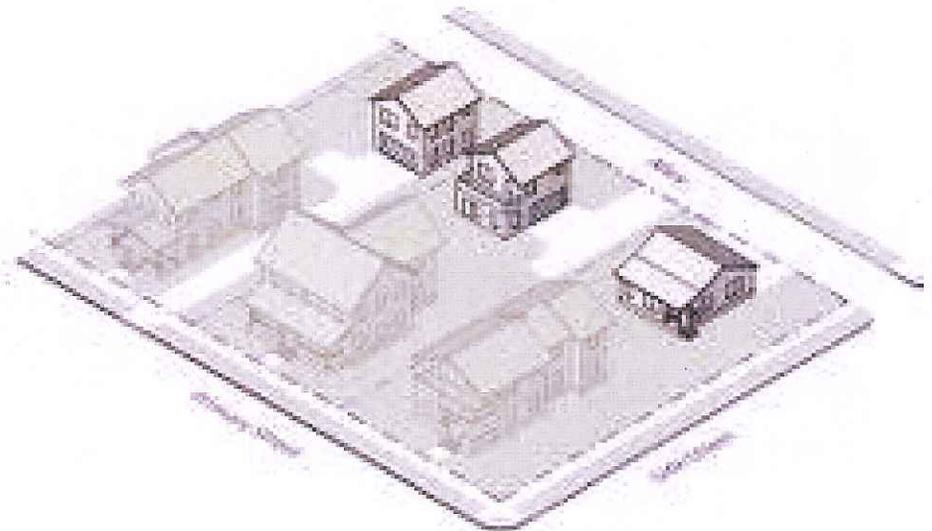


Maximum Wall Height 16'



Maximum Roof Height 23'

10' Maximum Wall Height



# Historic Overlay Zones

- Allows “infill dwellings”
- Min. 7,500 sq. foot lot area
- Open space between main and infill dwelling units
- Visibility from street
- Design must fit in with historic character of neighborhood

