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BEFORE THE HEARING EXAMINER
CITY OF SEATTLE

In the Matter of the Appeal of the:
**QUEEN ANNE COMMUNITY
COUNCIL**
of the Final Environmental Impact
Statement for the Citywide Implementation
of ADU-FEIS.

Hearing Examiner File W-18-009

PART 4

EXHIBIT A TO THE
DECLARATION OF TADAS KISIELIUS
IN SUPPORT OF SEATTLE CITY
COUNCIL'S MOTION FOR PARTIAL
DISMISSAL

Project Background

In September 2014, the City Council adopted [Resolution 31547](#) directing the Department of Planning and Development (DPD) to explore policy changes that would increase the production of attached and detached accessory dwelling units (ADU and DADU, respectively), including regulatory changes, incentives, and marketing and promotion. In October 2015, we released a [report](#) discussing a range of potential policy options to this end.

Over the next five months, we received input from many people about backyard cottages and ADUs. We interviewed dozens of homeowners who have created or considered creating backyard cottages and ADUs to learn from their experience. We also spoke with designers and builders about the common challenges that arise with backyard cottages.

In January and February 2016, Councilmember Mike O'Brien and the Office of Planning & Community Development (OPCD) co-hosted two community meetings to get feedback on a number of potential land use code changes and solicit ideas and strategies for making it easier to create backyard cottages and ADUs. This report summarizes the public input we received throughout this process.

What are ADUs and DADUs?

Accessory dwelling units (ADUs) are separate living units located within a single-family house. They're also sometimes referred to as mother-in-law units or granny flats. In general, ADUs are allowed on all single-family zoned lots, subject to certain requirements.

A detached accessory dwelling unit (DADU), often called a backyard cottage, is a room or set of rooms located in a separate structure from, but on the same lot as, a single-family home. Since 2010, the City of Seattle has allowed backyard cottages in all single-family neighborhoods. In addition to the requirements for ADUs, backyard cottages must meet additional development standards that regulate the scale and location of the unit on the lot.

Timeline

September 2014
Council Resolution 31547 calls for removing barriers to ADUs/DADUs

Sept. – Dec. 2015
Targeted outreach to DADU owners and designers

January 19, 2016
Community Meeting #1
Filipino Community Center

April 2015
City Council
Lunch & Learn 1

December 2015
City Council
Lunch & Learn 2

February 3, 2016
Community Meeting #2
Wallingford Senior Center

Potential Code Changes

In October 2015, we released a [report and analysis](#) discussing a range of policy options that the City could consider to increase production of backyard cottages and ADUs, as identified in [Resolution 3156](#) and the recommendations of the [Housing Affordability and Livability Agenda \(HALA\) Advisory Committee](#).

Attendees at the two public meetings on January 19 and February 3 weighed in on these options. Several presentation boards described each policy question, provided an opportunity for people to indicate their response to the question using dots, and had space for additional comments. We also distributed and received hundreds of comment forms with these same questions.

This section briefly describes each policy option and the reason we are considering it. For more detail, refer to the [October 2015 report](#) and other resources on our project website. [Section 23.44.041](#) of the Seattle Municipal code has the complete regulations for accessory dwelling units.

Should we remove the off-street parking requirement for ADUs and DADUs?

Except for lots in an urban center or village, one off-street parking space is required for an ADU or DADU. This requirement can be waived if the topography of the lot or location of existing structures makes adding the parking space physically infeasible. The parking requirement can increase project cost, add impervious surface, and result in vegetation loss.

Should we allow an ADU and DADU on the same lot?

Currently, a single-family lot can have only one accessory dwelling unit. Homeowners can have a mother-in-law unit, a backyard cottage, but not both. Allowing an ADU and DADU would not change the allowed building envelope on a single-family lot. A lot with a DADU would likely not look different from the outside than a lot with an ADU and DADU.

Should we remove the owner-occupancy requirement for ADUs and DADUs?

On a lot with an ADU or DADU, an owner with at least 50 percent interest in the property must live either in the ADU/DADU or the principal unit for at least six months of the year.

Should we modify development standards?

Several development standards in [Section 23.44.041](#) regulate the location and scale of backyard cottages. In certain

instances, some of these standards make creating a backyard cottage challenging or impossible. We are exploring changes to the following backyard cottage standards:

Maximum height

The maximum height of a backyard cottage is a function of the width of the lot:

Lot width (ft)	< 30	30-35	35-40	40-50	>50
Base height (ft)	12	14	15	16	16
Additional height for pitched roof (ft)	3	7	7	6	7
Additional height for shed/butterfly roof (ft)	3	4	4	4	4

On some lots, the height limit often prevents a usable second story. Additional space helps homeowners generate more rental income and facilitates housing suitable for families.

Rear yard coverage

On a single-family lot, a maximum of 40 percent of a rear yard may be covered by accessory structures and any portion of the main house. This limit is in addition to the overall lot coverage limit for a single-family lot.¹ In some instances, the rear yard coverage limit can prevent a functional one-story cottage design, which could be more suitable for a tenant with limited mobility or a homeowner looking to age in place.

Minimum lot size

Currently, a lot must be at least 4,000 square feet to have a backyard cottage. On some lots under this threshold, development standards such as the maximum lot coverage limit would constrain the size of, or prevent outright, a backyard cottage. However, there are likely several thousand single-family lots under 4,000 square feet that otherwise meet the criteria for a backyard cottage. Most of these lots are in centrally located neighborhoods close to transit and services.

Maximum gross floor area

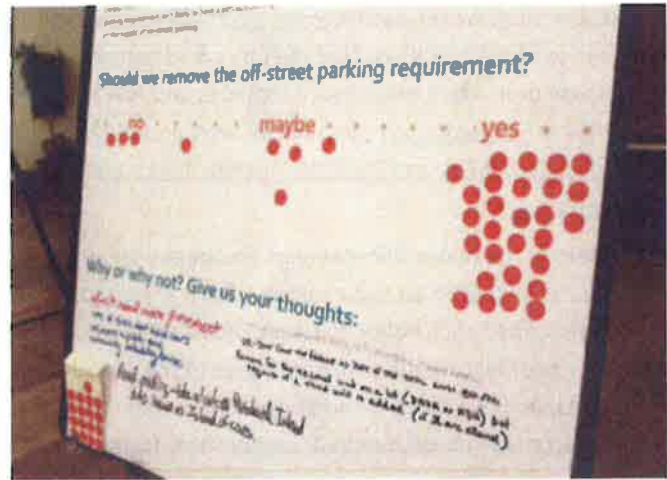
A backyard cottage can be at most 800 gross square feet including garage and storage areas. This means that cottages built above garages are often very limited in size. The maximum size of an ADUs 1,000 square feet.

¹ For lots 5,000 square feet and larger, the maximum lot coverage is 35 percent of the lot area. For lots under 5,000 square feet, the maximum lot coverage is 1,000 square feet plus 15 percent of the lot area.

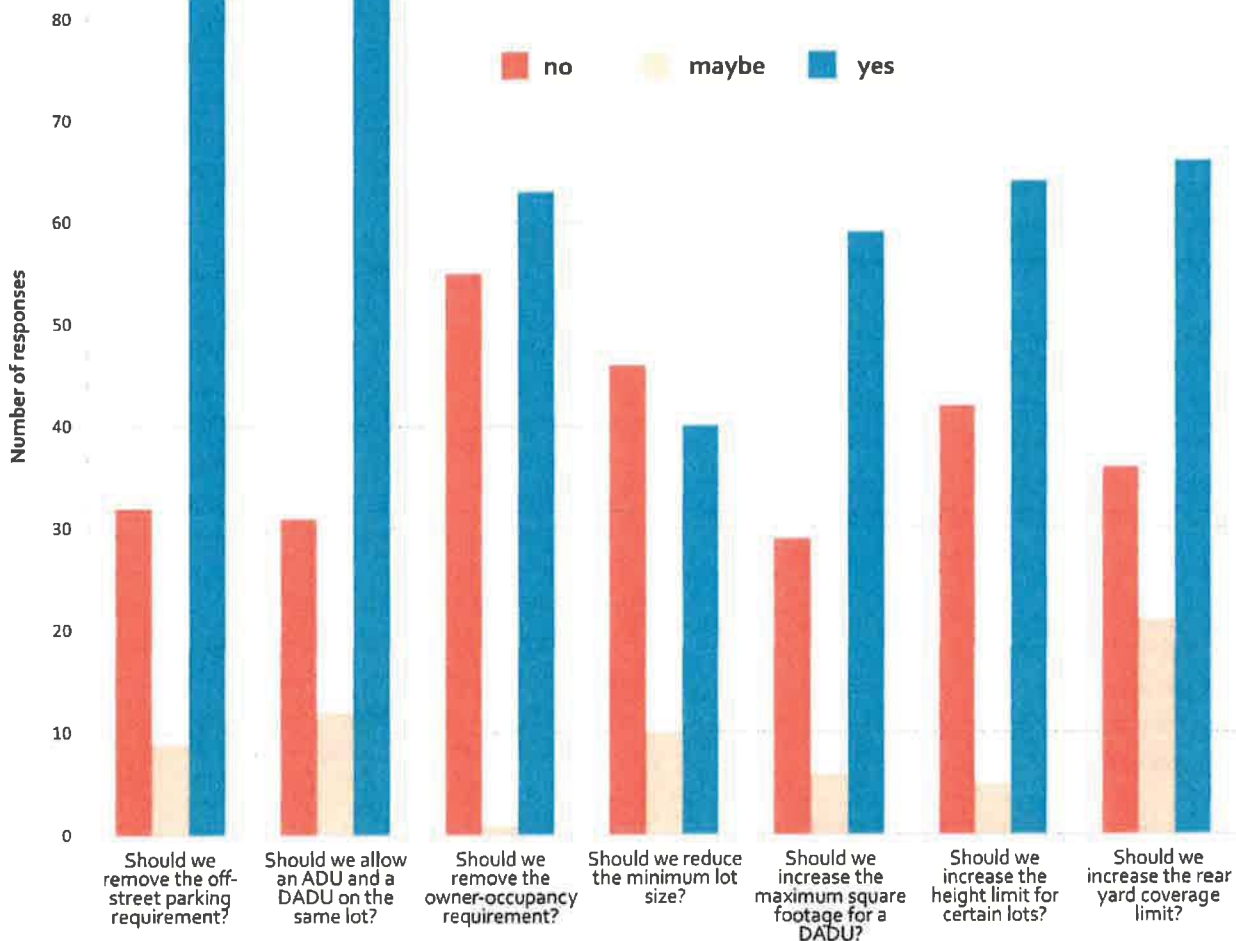
Summary of Public Input

At the January 19 and February 3 public meetings, we presented these questions about potential policy options for public feedback. The charts in this section summarize the responses we received to those questions. The responses from the two meetings have been grouped together in these charts.

The chart on this page shows the responses we received on boards at the two meetings. Attendees could respond to each positively or negatively by placing a dot on the board. There was also space for attendees to elaborate on the rationale for their response or share other comments and ideas.



Feedback on Policy Questions — Meeting Boards
January 19 and February 3, 2016

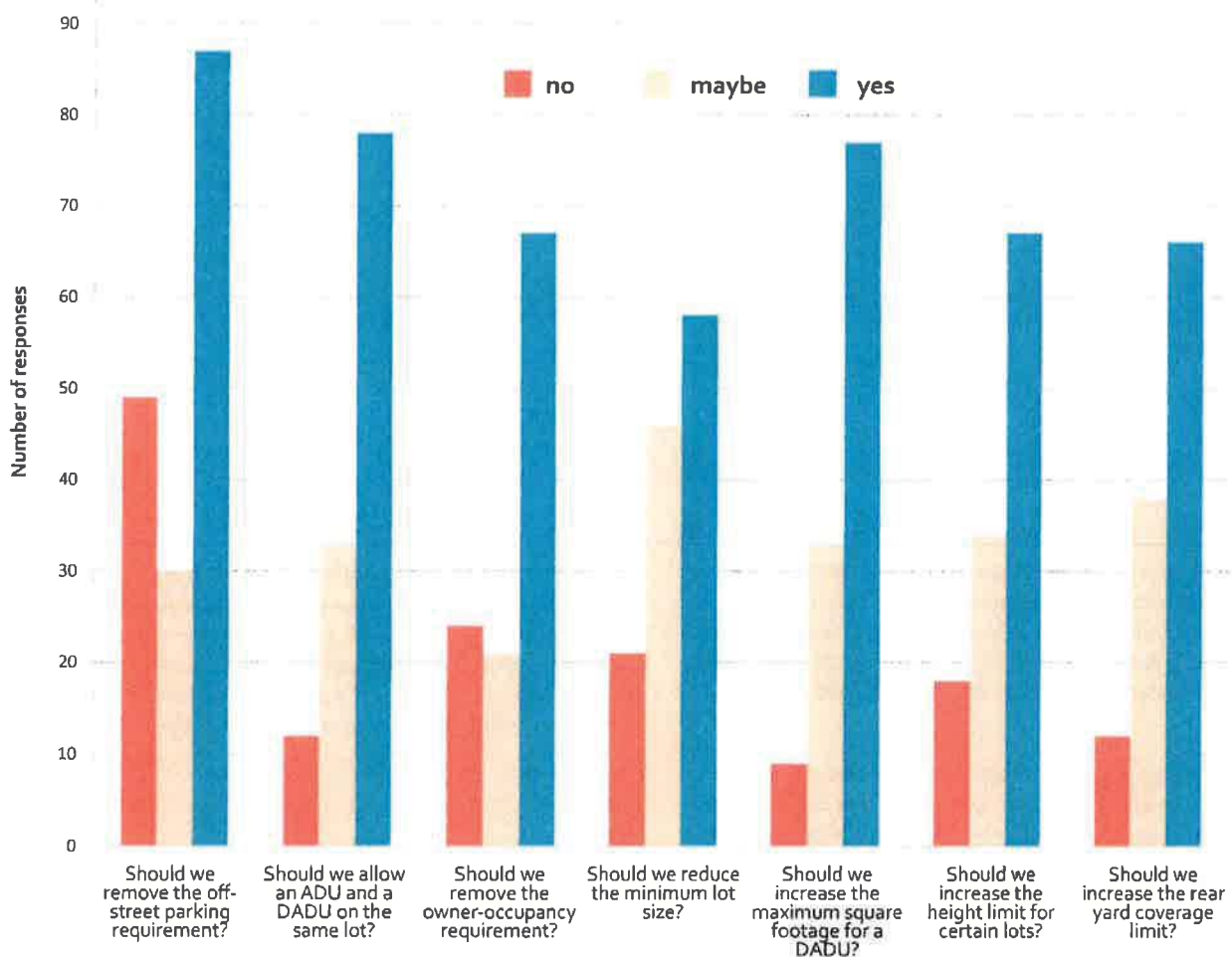


We presented these questions in the same format on comment forms at the two public meetings. This chart summarizes the responses we received via comment forms.

Like the previous chart, these results summarize the responses received at both meetings together. Attendees had the option to weigh in both on the boards and via a comment form. Some opinions may be represented in both charts.



Feedback on Policy Questions — Comment Forms
January 19 and February 3, 2016



Sample Public Comments

The following comments are a sample of the input we received on meeting boards, on comment forms, and via email during our public engagement.

Should we remove the off-street parking requirement for ADUs and DADUs?

I have an unused parking space off an alley. This is the area where it makes the most sense to site a DADU in order to minimize the impact to our neighbors' privacy and preserve sunlight that reaches the backyard and the main house. But I would need to build a 2 car garage underneath the new unit or get rid of the remaining backyard to put in two new parking spaces. My neighborhood is not even close to having a shortage of street parking and most houses do not have parking.

Please remove the parking requirements on single family and ADUs within several blocks of the urban villages. It is unfair that families be forced to design their spaces for cars at the same time that we are removing those guidelines for commercial developers just a few blocks away.

Get rid of that parking requirement. We are talking one space in single-family neighborhoods with tons of street parking and possible accessible transit.

Seattle's topography and weather make it essential for a large part of our population to have cars. It is essential to keep the parking requirements in residential neighborhoods.

I don't support easing parking requirements for backyard cottages. Please reconsider this. It negatively impacts a neighbor's quality of life if their guests can't park near their house. Please carefully study the attractiveness and viability of a neighborhood that has no available parking.

Any change to parking requirement should depend on proving street parking is available in block with proposed ADU/DADU.

We have considered building a DADU, but cannot due to the requirement that we add a second parking space, which is not feasible given the configuration and size of our lot. Moreover, there are several nearby bus lines and a variety of amenities that make living without a car an increasingly viable option for many people in this neighborhood. The dire need for more housing in Seattle should take precedence over concerns about adequate parking.

We hate seeing gardens and trees ripped out to make space for additional parking for ADUs. Green space is all the more precious and valuable as we increase density.

Should we allow an ADU and DADU on the same lot?

My ADU in my basement has been a win-win for me and my tenant who loves being part of the neighborhood. My ADU has no visual or any negative impact on the neighborhood. Except for my immediate neighbors, I doubt anyone would know of or is affected by my addition.

I have a garage that is not utilized and I would like to convert that into an DADU. Under current regulations it is not allowed to have both. I agree with most of the suggestions, especially allowing both ADU and DADU and removing the off street parking requirements.

If you decide to allow both an ADU and a DADU on each parcel, consider making that more flexible... a homeowner could create 2 total ADUs — they can be EITHER attached or detached. For example, we could build 2 stacked 400 sq ft apartments in a DADU, or one unit in our basement and a 800 sq ft single unit DADU.

Do not allow ADU and DADU units in SF neighborhoods.

Should we remove the owner-occupancy requirement?

We live on Beacon Hill and own a rental near Columbia City which fits all of the criteria for a DADU. But we could not develop in this space because of the occupancy rule. There is at least one family out there that thinks they could do a good job with this and be respectful to neighbors.

For me, it boils down to wanting to promote the construction of more housing. Ideally housing that is affordable to low and modest income households. I think that maintaining the owner-occupancy rule could cause us to miss out on an important opportunity to see more housing in the city

This requirement is too restrictive. If I would like to move to a different location in Seattle for 5-7 years, or to a different state or country for work, but plan to move back, my main way of dealing with this issue would be to leave the ADU empty which does nothing for affordability or housing stock.

Portland doesn't require owner occupancy and hasn't had an explosion of ADUs due to developers rushing in. Should it matter then if a developer as opposed to a private owner build an ADU? I don't think so.

Absolutely not. Increasing the number of individuals with zero vested interest and removing the requirement for close owner involvement is NOT good for existing homeowners in those neighborhoods.

I own a 1,000 sq. ft. house in that I used to live in. I now live with my partner down the street and I rent out my house. The house has partially finished basement that would be perfect for a mother-in-law, but I am unable to build one due to the owner-occupancy rule. As a result, the space is barely used. I strongly encourage the city to eliminate the owner-occupancy rule so that people like me can help the city provide additional housing. While I understand the concerns that some neighbors may have, I really don't think that a one-bedroom ADU will have much impact on the neighborhood. I currently rent the main house to a single woman and her 10-yr old daughter. Would the addition of a single renter in the basement have any more impact than renting a larger house to a family of four with two cars?

With no owner on site, harmonious neighbor relationships may be more strained, harder to maintain and reasonable property upkeep may be increasingly ignored.

I STRONGLY disagree with removing the owner occupancy requirement. Owner occupants have a much more vested interest in their properties and the current requirement will keep developers away.

My concern is our neighbor who now rents a basement unit and wants to rent her house and add a detached accessory dwelling unit and rent all three when they vacation. I understand the need for housing in Seattle, but I wonder if there isn't room for single family homes also? The elementary and middle schools are overflowing. Where are all these kids moving here going to go to school and play?

I have been a Seattle homeowner for 30 years and landlord for 20. The new rental regulations, which require landlords to register and maintain a certain standard of living for its occupants, should offset the requirement of owner occupancy in the backyard cottages. Maintaining your rental property, which we have always done, is paramount to success. Living on the property should not make a difference with these new regulations in place.

Removal of this obstacle will help those on the fence start building, like us. Otherwise, there will be more wasted space that could instead house another family.

Instead of policies designed for people who don't even live in Seattle yet, please design policies that encourage long-term residency and recognize the value and desires of those currently living here, not a transient yet-to-be-here population.

We are reluctant to add a DADU if we are unable to also rent out the main house. If we needed to relocate, we would be forced to sell our house or forgo renting the DADU, which would not be feasible given the significant cost of building the unit. This requirement makes adding a DADU too financially risky.

Should we increase the minimum lot size for a DADU?

At 3,880 square feet, our lot is ineligible for a DADU, which is a shame because our house is only 800 s.f., and we would like to make our property livable for us for the long term.

My home is on a 3810 square foot lot. The building is near the very front of the property and I have a very nice backyard — quite large for the city. Even though my backyard is ideal for a cottage, my property does not meet the requirements. I am 190 square feet shy.

Smaller minimum lot sizes means more adjacent neighbors will be affected.

There are already separate lot coverage restrictions, so why is a minimum lot size even required at all?

We're young homeowners who are concerned about having space for aging parents or growing our family. Our lot is 120 sq ft too small for a cottage under current guidelines. So instead we have a 3080 sq ft yard.

I have a small old house on a 3600 sq. ft. lot. Why is it that I could drastically increase the size of my house, but a back yard cottage is not allowed? If the buildings touch it is okay, but if they don't touch it's a no-go.

Our primary residence on Beacon Hill could easily sustain a DADU and would fit well with the neighborhood character since right across the alley is zoned for townhouses and already has dense housing. However we don't fit the minimum square footage of the lot.

Should we slightly increase the height limit?

Shadows from these ruin adjacent light, peace, and tranquility in backyards.

Measure height to top of plate rather than top of roof to allow for extra insulation, more efficient framing (less cost to build, less to operate).

Height limit is too restrictive and often prevents 2 stories, especially if the site is sloped. It adds increased cost if you're going to put first floor partially below grade, build retaining wall, etc. It also penalizes doing green building, e.g. good insulation, because that takes away from living space.

Should we increase the maximum square footage for a DADU?

Consider not counting the garage as part of the total gross square footage.

More types of people can rent a one-bedroom, including small families. I want to make sure our project is adding a unit to the housing market that can benefit the neighborhood most broadly.

Increase square footage max of DADU to 1000 square feet. This would increase the functionality of DADUs as rental units.

Exclude garages from square footage requirement. The limit on lot coverage height will adequately limit size of the building.

Should we increase the rear yard coverage limit?

40% rear yard coverage is too restrictive for DADUs. It works OK for a 2-story structure, but very limiting for a 1-story structure. If we want to allow flexibility for universal design, we should except DADUs from this. Net result of this limit is an incentive to build a taller structure, which is not ADA and might have more impact on neighbors.

My DADU had to turn stupidly because of the rear yard coverage limit.

Tree canopy reduced from more lot coverage.

Other comments

Loosen up the entryway regulations for attached ADUs. I am not sure if these are still there. When I last created an attached ADU I needed a separate access from a different side of the house from the main entry.

Construction costs are prohibitively large to begin with and it is very difficult to accurately estimate what the total cost of building, permitting, utilities (including the exorbitant new sewer hookup fee I've been hearing about), etc... If there were a resource to reliably estimate the total project cost it would go a long way in helping to get started.

I definitely believe ADUs will help affordability. I myself am an example of this. The only reason I was able to buy a house in Seattle was because I bought the house with an existing ADU on site, which I currently rent.

Why shouldn't a DADU get same adjacency to an alley as a detached garage?

Open clemency again for existing ADUs and DADUs.

Make affordable designs/plans available for free. Investigate ways to encourage use of pre-fab DADUs.

Require adjacent property owners to agree. Require design compatibility with existing character of adjacent neighbors.

Make it easier to convert existing accessory buildings including those built in side and/or rear yards, as many old garages were.

Consolidate permitting and regulation contacts: a DADU requires a building electricity, water, sewer, etc. Why the hell do I have to go to 5 or 6 regulators web pages or offices and learn the byzantine rules of each. One page, all the answers.

Provide a step-by-step guide. Help homeowners connect with affordable reliable designers and contractors.

Require non-transparent windows for sides that face other properties; allow transparent only facing street or principal unit. This would appease neighbors, increase privacy. Still would allow light in; windows could still be operable.

For more information, contact:

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