

Date

Honorable Councilmembers Rob Johnson and Mike O'Brien  
Seattle City Council  
*via e-mail*

FROM: Seattle Planning Commission

RE: Removing Barriers to Backyard Cottages

Dear Councilmembers Johnson and O'Brien

The Planning Commission appreciates the opportunity to provide feedback on potential methods to make it easier to permit and build accessory dwelling units (ADUs), also known as mother-in-law units, and detached accessory dwelling units (DADUs), also known as backyard cottages. 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 both ADUs and DADUs, including regulatory changes, incentives, marketing and promotion. In July 2015, the HALA Advisory Committee released its final recommendations, one of which was to boost production of ADUs and DADUs by removing specific code barriers that make it difficult to build them.

The Planning Commission applauds the leadership of Councilmember O'Brien and the work of staff from the Office of Planning and Community Development to identify potential policy options that could remove barriers to permitting and constructing DADUs. We also commend the efforts to engage the community in this discussion through targeted stakeholder outreach and encouraging critical feedback at two public meetings. In anticipation of potential legislation being introduced by the City Council's Planning, Land Use and Zoning Committee, chaired by Councilmember Johnson, the Planning Commission offers the following guidance and recommendations on this important subject.

We have been consistent supporters of ADUs and DADUs as a means to increase the number and variety of housing options in single-family neighborhoods. This support has been clearly articulated in our June 2010 publication in partnership with the Department of Planning and Development, "*A Guide to Backyard Cottages*," as well as our January 2014 White Paper and Action Agenda on Family-Sized Housing. Both ADUs and DADUs support many of the housing goals and policies in the City's Comprehensive Plan and can provide alternatives in single-family neighborhoods for a variety of household types, including singles, families with children, and multi-generational households. We believe that expanding the construction of DADUs could provide more flexibility and accessibility for new housing options throughout Seattle.

The Commission has reviewed and discussed some of the most common barriers to permitting and constructing DADUs cited by existing and potential DADU owners, designers, and builders. We offer the following recommendations to modify the Land Use Code to encourage increased production of DADUs while maintaining many of the development standards that are applicable to structures on a single-family zoned parcel:

- **Modify the Code to allow both an ADU and a DADU on suitable lots with a single-family home as the primary unit.** Current City code states that a lot with or proposed for a single-family house may have only one accessory unit. This change would support creation of a greater diversity and supply of housing options in single-family zones. Both attached ADUs and DADUs enable families to have extended family members close by or obtain rental income to enhance their financial security. Allowing both on the same lot would provide multiple opportunities for housing within the allowable building envelope of a single-family lot. All of the development standards that apply to single-family lots, other than those explicitly discussed below, would continue to regulate the scale and location of any structures on a lot.
- **Remove the requirement for an off-street parking space.** Except for lots located in urban centers and villages, or when topography or existing structures make it impossible to add off-street parking, current City code requires one off-street parking space for either an ADU or DADU. This is in addition to the parking space required for the principal dwelling unit in a single-family zone. This requirement adds to the cost of and limits design flexibility for DADUs, which unduly reduces potential construction of these units. Parking also often adds impervious surfaces.
- **Remove the owner-occupancy requirement.** The existing regulations require homeowners with an accessory dwelling unit to reside in either the principal or the accessory unit for at least six months of the year. DADUs allow a broader range of low-density housing in single-family areas and provide an important addition to the available housing choices for both homeowners and renters. The 2010 Census estimated that approximately 52% of Seattle's housing units were occupied by renters. With trends in rental prices going up across the city, ADUs and DADUs are a good way to increase the supply and variety of rental housing options in single-family areas. Removing this requirement could also benefit a current or prospective homeowner by making it easier to obtain financing for a mortgage or construction loan. Current landlords, many of whom are Seattle residents and live near the property they rent, would be able to add an ADU and/or DADU.
- **Encourage flexibility in the allowed household size on lots with an ADU and/or DADU.** Under current regulations, at most eight unrelated people can inhabit a principal dwelling unit and any accessory dwelling units on a lot. In order for a property owner to have both an ADU and a DADU on a lot, the City could encourage flexibility on lots with

accessory units by allowing more than eight unrelated people on the same lot in those cases. The Planning Commission encourages more study on this issue.

Specific development standards for DADUs include requirements for minimum lot size, standards for the DADU structure, and limitations on its location on the lot and relative to other structures. These development standards are intended to ensure that DADUs are compatible in terms of mass and scale with existing development in single-family neighborhoods. However, some of these requirements preclude property owners from constructing a DADU or make it difficult to build a DADU design that meets the needs of a range of household types. Below are specific changes that could be made to the DADU development standards to facilitate production of these units. Other than those explicitly discussed below, all of the development standards that apply to single-family lots would remain in place.

- **Reduce minimum lot size.** The current minimum lot size for a site with a DADU is 4,000 square feet. Of the 125,000 single-family lots in Seattle that meet this current minimum lot size, almost 75,000 are eligible for a DADU. Reducing the minimum lot size requirement would make thousands of additional lots eligible for a DADU. Development standards in single-family zones such as lot coverage limits, yards, and setbacks would continue to apply and would govern the footprint, scale, and location of a DADU. For example, some lots would not be eligible for a DADU if the existing structures on the site meet or exceed the lot coverage limit.
- **Modify how maximum floor area is calculated for DADUs.** Currently, the maximum square footage of a DADU is 800 square feet, including any garage and storage areas. The current requirement to include garage area in the square footage maximum substantially constrains the design and limits the functionality of DADUs built above existing garages. The Planning Commission suggests removing garages and storage units from the calculation of the maximum floor area for a DADU. This would allow the living space in DADUs constructed above existing garages and in standalone DADUs to be regulated more uniformly.
- **Modify maximum square footage to allow for a potential two-bedroom DADU.** Providing reasonable living space requires adequate square footage to make these units useful for anyone other than a single person household. Increasing the maximum square footage of a DADU to be consistent with that allowed for an ADU (1000 square feet) will help to make single-family lots with a DADU an attractive housing alternative for families with children and multi-generational households.
- **Slightly increase height limit for DADUs on certain lots.** The current maximum height limit for a DADU depends on the width of the lot. On wider lots, a taller unit is permitted. Increasing the maximum height by two – four feet to provide for a two-story unit, while still

meeting standards for privacy, shadows, and aesthetics, would allow for additional living space and appeal to a wider range of occupants.

- **Increase the rear yard coverage limit.** Under current development standards, accessory structures, including DADUs may not cover more than 40% of the rear yard. Allowing for a DADU, combined with other accessory structures such as a garage or shed, to cover slightly more than 40% of a rear yard would provide opportunities for a design with all of the allowed square footage on one level that may be appealing to elderly adults or those who want to age in place without the challenges of stairs in a two-story structure.

In addition to these recommendations, the Planning Commission supports providing potential DADU owners with additional resources to facilitate development of DADUs throughout Seattle. Some ideas for resources include:

- A step-by-step guide to the permitting process for a DADU;
- A database or clearinghouse of other ADU/DADU owners, architects, and builders with previous experience with DADUs;
- Pre-approved designs and plans for a variety of DADUs and different lot sizes;
- Access to financing, both traditional and culturally and ethnically accessible, and other measures to reduce the prohibitive costs of building DADUs.

We appreciate your interest in our feedback as you consider ways to remove barriers to building DADUs throughout Seattle. If you have any questions, please do not hesitate to contact me or our Executive Director, Vanessa Murdock, at 733-9271.