

ACCESSORY DWELLING UNIT ORDINANCE UPDATE - OPPORTUNITIES/CONCERNS MATRIX - October 15, 2015

OPPORTUNITIES			
Date Submitted	Submitted by:	Comments (Opportunities)	Staff comments, and/or Approaches from other jurisdictions
2/20/2014	1. Focus Group	Housing choice -- provides a diversity of housing types and income levels.	<p>Staff Comment: ADUs can provide an opportunity for renters to enjoy the advantages of living in established neighborhoods with easy access to services, transportation options, parks, trails, and neighborhood schools.</p> <p>Rational: Only 94 ADUs have been approved citywide in the 10 years since the adoption of the current ordinance. Allowing D-ADUs in single family zoned areas is one way to increase the diversity and availability of housing in these zones.</p> <p>Other Jurisdictions: Many include specific statements referencing the benefits of ADUs in the purpose and intent provision of their codes. The following is from Kent, WA [KMC 15.08.350(A)):</p> <p><i>A. Intent. The city provides these accessory dwelling unit regulations for the following purposes:</i></p> <ol style="list-style-type: none"> <i>1. To increase the supply of affordable rental units through better use of the existing housing stock, much of which is under-utilized because the baby boom has been followed by an empty nester boom, because there are fewer children per family, because there are more single parent households, and because there are more one (1) and two (2) person elderly households.</i> <i>2. To make homeownership more affordable because it will be easier to buy both new and existing homes with the help of an accessory apartment.</i> <i>3. To make it more comfortable for older people to retain their homes because an accessory apartment can provide them with added income, security, companionship, and the opportunity to trade rent reductions for needed services.</i> <i>4. To make it easier for single parents to meet mortgage payments and hold onto their homes in the wake of a divorce and, as a result, keep their children in the same neighborhood.</i>

			<p>5. To increase the opportunity for disabled persons to live independently because accessory units can provide them with both privacy and the proximity to needed support.</p> <p>6. To reduce the isolation of households that is a result of increased affluence in housing, and/or longer lifespans and periods of frailty, and/or suburban land use patterns that isolate people who cannot drive.</p> <p>7. To make better use of existing public investment in streets, transit, water, sewer, and other utilities.</p> <p>Many jurisdictions allow D-ADUs in single family zones, including:</p> <ul style="list-style-type: none"> • Cheney, WA • Ellensburg, WA • Enumclaw, WA • Kent, WA • Olympia, WA • Mercer Island, WA • Port Townsend, WA • Portland, OR • Sequim, WA • Seattle, WA • Sumner, WA • Spokane, WA • Vancouver, WA <p>Tacoma is currently evaluating allowing D-ADUs in single family zones.</p>
2/20/2014	2. Focus Group	Financial benefit to homeowner -- can supplement income and offset mortgage payment, can allow folks the opportunity to stay in their home/age in place (See also Opportunity #5). Adds value to the property and tax base for the City.	<p>Staff Comment: ADUs add to affordability from the perspective of homeowners, who can use the rental income from an ADU to ease the burden of home mortgage, insurance, property tax and maintenance expenses.</p> <p>Other Jurisdictions: Many include specific statements referencing the financial benefits of ADUs in the purpose and intent provision of their codes. (See #1 above in OPPORTUNITIES.)</p> <p>See also #5 below in OPPORTUNITIES.</p>
2/20/2014	3. Focus Group	Housing affordability -- especially in some single family neighborhoods that a segment of the market could not otherwise afford to live in, and for extended family or adult children.	<p>Staff Comment: ADUs can help to increase the supply of affordable housing without government subsidies.</p> <p>ADUs can provide an opportunity for people to live in a neighborhood that they may not otherwise be able to afford to live in and to enjoy the advantages of convenient access to services, transportation options, parks and trails, and neighborhood schools.</p>

			<p>Other Jurisdictions: Many include specific statements referencing the affordable housing benefits of ADUs in the purpose and intent provision of their codes. (See #1 above in OPPORTUNITIES.)</p>
2/20/2014	4. Focus Group	<p>Infill housing -- Addresses the demand for housing options close to downtown, jobs, services and recreation. Environment and financial benefits of infill vs. sprawl. Provides an option for carless choices.</p>	<p>Staff Comment: Allowing ADUs is viewed as a means of incrementally increasing residential density organically, without big changes to architectural or neighborhood character. Many older homes were designed to hold large (by today's standards) households. Converting existing space in these older homes to an attached ADU (A-ADU) can often result in the same number of occupants that the home was originally designed for. Building an addition for an A-ADU, or adding a D-ADU, will generally be the equivalent to adding one or two bedrooms to an existing home.</p> <p>ADUs can provide an affordable option for people to enjoy the advantages of living in an established neighborhood with convenient access to services, transportation options, parks and trails, and neighborhood schools.</p> <p>Infill housing is supported by the City's comprehensive plan goals and policies.</p> <p>Other Jurisdictions: Many include specific statements referencing the contributions of ADUs toward meeting infill goals in the purpose and intent provision of their codes. See #1 above in OPPORTUNITIES.</p>
2/20/2014	5. Focus Group	<p>Caretaker function -- either for an aging homeowner with medical issues or for an owner on vacation.</p>	<p>Staff Comment: ADUs can provide affordable options for older adults to live in areas where they have convenient access to medical and other services and amenities.</p> <p>In some cases, the lease may include an agreement that renters help with medical care, household chores and basic maintenance, an arrangement that can help aging homeowners remain in their homes when they are no longer able to perform these tasks.</p> <p>Baby Boomers will continue retiring in increasing numbers. The number of adults age 65 and older is expected to double in the next 20 years. The more ADUs that are available in the community, the greater the chance one will be available (for sale) for someone looking to take care of an elderly parent on short notice. Having an elderly parent suffer a sudden</p>

			<p>illness and need long term care can place a great stress on children. Having to go through the lengthy permit process and subsequent construction to create an ADU adds time and uncertainty to a stressful situation. Bellingham lacks this "life-cycle housing" and the current process to provide it is arduous.</p> <p>Other Jurisdictions: Many include specific statements referencing the caretaker benefits of ADUs for the elderly and disabled in the purpose and intent provision of their codes. (See #1 above in OPPORTUNITIES.)</p>
2/20/2014	6. Focus Group	Jobs -- provides an opportunity for work for small builders.	<p>Staff Comment: ADUs generally consist of small projects that can support employment of local construction workers.</p>
2/20/2014	7. Focus Group	Cultural -- may foster cultural awareness if allowed to be leased as vacation rentals (i.e. Airbnb).	<p>Staff Comment: Bellingham currently does not allow single family homes in residential zones to be used as vacation rentals.</p> <p>Other Jurisdictions: Portland, OR, allows ADUs to be used as short term rentals [PMC 33.205.030(C)(3)]. Some conditions include: the owner must reside on site at least 9 months out of the year, the owner or renter must obtain a Type A Short Term Rental Permit, Type A home occupation permit, and apply for a business license, notification of surrounding property owners, no more than 2 rooms may be rented, and city inspection is required to ensure the rental provides a minimum level of protection to the occupants.</p>
2/20/2014	8. Focus Group	Parking -- ADUs provide housing that often is not in need of parking.	<p>Staff Comment: There are many reasons some jurisdictions do not to require additional parking for an ADU. Parking spaces and driveways take up valuable open space and detract from the built urban environment. As a general rule, the availability of parking is attractive to people with cars, and a lack of parking is attractive to people without cars. ADUs without parking may serve as a deterrent to renters with cars.</p> <p>Requiring parking adds to the cost of building ADUs which can deter more of them from being built. Also, the added cost is generally passed on to the renter. An ADU without parking can be cheaper to build, and therefore cheaper to rent, making the housing affordable to a larger segment of the population.</p> <p>Many older homes were designed to hold large (by today's standards) households. Converting existing space in these older homes to an A-ADU</p>

			<p>will generally result in the same number of people as the home was originally built for. Building an addition for an A-ADU, or adding a D-ADU, is generally the equivalent to adding one or two bedrooms to an existing home, which does not require additional parking under City codes.</p> <p>Bellingham requires 1 on-site parking stall per bedroom for A-ADUs. For D-ADUs, 1 parking stall is required regardless of unit size. The Planning Director has discretion to reduce parking requirements based on a demonstration of site-specific factors that justify a reduced standard.</p> <p>Jurisdictions that require only 1 stall for an ADU: Ellensburg, Kent, Olympia, Sequim, Spokane, Tacoma and Vancouver.</p> <p>Jurisdictions that require only 1 stall, or none when street parking is available: Cheney, Port Townsend, and Seattle.</p> <p>No parking is required for ADUs in Portland and Corvallis, OR; and Burnaby and Vancouver, BC.</p> <p>See #3 in the CONCERNS section for additional discussion.</p>
2/20/14	9. Focus Group	Should rebrand as "backyard cottages" to get away from the negative connotations associated with ADUs.	<p>Staff Comment: D-ADUs and Carriage Units in the City's Infill Toolkit regs (BMC 20.28) are both forms of D-ADUs and could both be rebranded as D-ADUs to remedy the current confusion of having two names for the same "detached" housing type. So regardless of whether one is referring to A-ADUs or D-ADUs, they are still all referred to as "ADUs." Rebranding D-ADUs as "backyard cottages" may reintroduce confusion because they would be referred to by a name unrelated to A-ADUs.</p>
	10. PCDD Staff	Allowing ADUs can provide fiscal benefits for the City.	<p>Staff Comment: Allowing ADUs is one way that the City can encourage affordable housing opportunities without government expenditures or subsidies. This is particularly important for local governments, given declining federal support for the construction of affordable housing.</p> <p>ADUs use existing public infrastructure rather than relying on new roads and utilities that increase the City's financial responsibility to maintain.</p> <p>Other Jurisdictions: Many include specific statements referencing the municipal benefits of ADUs in the purpose and intent provision of their codes. (See #1 above in OPPORTUNITIES.)</p>

CONCERNS			
Date Submitted	Submitted by:	Comments (Concerns)	Staff comments, and/or Approaches from other jurisdictions
2/20/2014	1. Focus Group	Illegal units -- 1) unsafe units, 2) owner occupancy requirement (owner renting out both units, or 3) owner living in ADU and renting house to a large number of people.	<p>Staff Comments:</p> <p>The city's new rental registration and inspection program will help address illegal and/or unsafe units.</p> <p>Current Bellingham Requirements:</p> <ol style="list-style-type: none"> 1) Approval of an ADU requires building permits and inspections which ensure the ADU complies with building and fire codes. 2) A covenant of owner occupancy is filed on the property which informs existing and future owners of the requirement for owner occupancy. It shows up on a title report with purchase of property. The City verifies owner occupancy every odd # year. So the owner cannot say they were not aware of the condition. Surrounding property owners are notified of ADU approvals so the owner knows that their property may be watched for potential violations. 3) Existing regulations allow the owner to live in either the primary residence or ADU. Occupancy of the primary residence is regulated by the City's definition of "family." Occupancy of A-ADU's are limited to 3 persons regardless of relationship. There is no specified occupancy limit for D-ADUs and would therefore be limited to 3 by the City's definition of "family." <p>Other Jurisdictions: Most require owner occupancy similar to Bellingham. Those that do not require owner occupancy include: Ashland, Bend, and Portland, OR; Yakima, WA; and Richmond, Victoria and Vancouver, BC.</p>
2/20/2014	2. Focus Group	Impacts on neighborhood character.	<p>Staff Comments: Allowing ADUs is viewed as a means of incrementally increasing residential density over time, without big changes to architectural or neighborhood character.</p>

			<p>Dispersion:</p> <p>A dispersion requirement is one way that some communities have attempted to control or limit the number of ADUs in a particular geographic area or neighborhood (see the Seattle example below). In most communities that allow ADUs, dispersion occurs without the necessity for government intervention. A few communities, however, have adopted provisions that limit concentrations of ADUs by controlling the number of conversions that may occur within a particular area.</p> <p>Seattle's approach to dispersion: <i>"If ... applications are filed for ADUs which would cause the concentration of single-family structures with new ADUs to exceed twenty percent (20%) of all single-family structures in single family zones in any one census tract or in an area formed by a circle with a radius of one thousand feet (1,000') from the point at which three (3) or more census tracts meet, no further applications may be accepted for ADUs in such census tract or area. The Master Use Permit process set forth in Chapter 23.76 shall be followed to authorize these uses."</i> [Sec. 23.44.025, Seattle Municipal Code]</p> <p>Bellingham has no dispersion requirements for ADUs. The built environment of Bellingham's neighborhoods is diverse. If for example parking is a main concern, and dispersion is required, questions arise about how to equitably factor in:</p> <ul style="list-style-type: none"> - Areas with large lots where there is more room to provide parking on individual lots versus small lot subdivisions where there is less room to provide parking on individual lots. - Areas with large lots where there is more street frontage per lot for parking versus small lot subdivisions where there is less street frontage per lot for parking. - Older (pre-WWII) areas that inherently lack parking versus newer (post-WWII) areas that were developed with ample parking. - Neighborhoods with high concentrations of student rentals (and cars) vs. neighborhoods that have high concentrations of owner occupancy. - Blocks without alleys vs. blocks with alleys where adding parking off an alley is generally easier. - Long blocks vs. short blocks with access to side streets for parking.
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			<ul style="list-style-type: none"> - Existing nonconforming duplexes, triplexes and larger multifamily developments that may be impacting availability of parking. - Should dispersion be required only in single family (SF) zones, or also in multifamily (MF) zones? - If dispersion is required only in SF zones, then should the rules account for ADUs in abutting RM zones such that default transition zones are created with few or no ADUs along SF zone boundaries? <p>The above plays out in similar fashion for other concerns such as mass and bulk, solar access, and loss of open space and privacy.</p> <p>Dispersion requirements may create situations where homeowners who want to install an ADU are prevented from doing so simply because homeowners on the same block or within a certain distance have already done so. This may be particularly troublesome in cases where the existing units were formerly illegal units that have recently been legalized [<i>ADU Issues and Options, P.46</i>]. It could also be problematic if dispersion requirements prevented ADUs that were intended for caring for an elderly parent.</p> <p>Location on the Lot:</p> <p>Bellingham allows D-ADUs to be located anywhere on the lot that the primary residence can be located, except that D-ADU's may be located up to the property line that abuts an alley. This approach is common among many jurisdictions.</p> <p>Cheney, WA, required D-ADUs to be located in the rear of the primary residence, presumably to minimize the visibility of the D-ADU from the public realm (street), as follows: <i>"An accessory dwelling unit may be created through: ... A separate detached dwelling unit on the same lot as the primary dwelling unit when the accessory unit is located at least ten feet behind the most distant back or side wall or other structural element of the primary dwelling unit structure...."</i> [CMC 21.67.030(d)]</p> <p>Portland, OR, requires D-ADUs to be either at least 60' from the front lot line or 6' behind the house [PDC 33.205.030(D)(1)], and is currently considering a proposal to amend this standard to 40' from the front lot line or directly behind the house. The intent of these regulations is to ensure</p>
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that the D-ADU is not the main building to be seen from the street, or is secondary to the house in prominence.

Compatible Architectural Design:

Bellingham requires that the addition of an A-ADUs or D-ADU must be consistent with the design of the existing single family dwelling. Most jurisdictions require architectural compatibility similar to Bellingham.

Jurisdictions that don't require architectural compatibility include Ellensburg, Kent and Seattle, WA, and Eugene, OR. Reasons not to require architectural compatibility may include: 1) to minimize government intervention in small scale private development, 2) requiring architectural compatibility can add to the cost of building ADUs which can be a disincentive, 3) the added cost of design standards is generally passed on to the renter. An ADU that is cheaper to build will inherently be cheaper to rent, which makes the housing affordable to a larger segment of the population. 4) D-ADUs in particular are generally located out of view from the public realm (streets) and are similar in mass and scale to detached accessory buildings (garages, storage sheds, artist studios, greenhouses, etc.) which generally do not have design standards (Bellingham currently has no design standards for detached accessory buildings).

Portland, OR, requires design compatibility [PMC [33.205.030\(C\)\(7-11\)](#)], but is [currently considering a proposal](#) that would remove all design compatibility standards for ADUs that are under 15' in height. As such, design compatibility would only be required for D-ADUs that are over 15' in height given that taller accessory structures can have a larger effect on neighborhood livability and character since they are often more visible from adjoining backyards.

It is generally desirable to give the Planning Director some discretion to allow architectural design modifications. There are some homes that arguably one would not want to mimic, and this would allow the Director discretion to allow designs of higher quality. This would also allow situations where an owner wants to do a total home remodel along with adding an ADU, which is more cost effective than doing the remodel first and then the ADU after the fact to match the new architectural design.

			<p>Building Height Limits:</p> <p>Bellingham's height limit for D-ADUs is 25'. The allowed height limits for D-ADUs vary greatly between jurisdictions, ranging from 12' to 35' with no consistency between cities as shown on the attached height matrix.</p> <p>Portland, OR currently restricts D-ADU height to 18' [33.205.030(D)(2)] but is currently considering a proposal to increase it to 20-feet because the 18' limit makes it hard to develop a structure with a garage on the bottom floor and an ADU above. A 20-foot height limit allows for a 2-story structure. This amendment is being coupled with another proposal that would remove all design compatibility standards for ADUs that are under 15' in height (see Compatible Architectural Design above). This flexibility in height and design would allow for standard D-ADU house plans to be created, reducing the overall construction and planning costs for the units, which could lead to greater affordability.</p> <p>Mass and Bulk:</p> <p>(See #5 in CONCERNS section for discussion of mass and bulk.)</p>
2/20/2014	3. Focus Group	<p>Parking problems -- can lead to a parking deficiency on site and on abutting streets due to visitors. Also the converse that too much parking is being required for ADUs when they are often occupied by people that have no cars.</p>	<p>Staff Comment: The potential for parking deficiencies due to visitors is a reality for all housing within a neighborhood, and adding an ADU(s) may increase the potential. This raises a policy question -- is this an acceptable impact for the benefits that come with allowing ADUs as identified in the OPPORTUNITIES section, when other impacts are substantially mitigated?</p> <p>Inadequate parking is a frequently identified concern, but providing parking has its own impacts. Mandatory requirements for parking can lead to substantial loss of open space given the amount of land dedicated to driveways, curb cuts and parking stalls. Parking consumes valuable real estate, drives up the cost of development, and subsidizes automobile use to the detriment of other transportation modes. Essentially, excess parking can disrupt the urban fabric by directing money away from building design/quality and towards driveways, curb cuts and parking stalls. Building an addition for an A-ADU, or adding a D-ADU, is generally the equivalent to adding one or two bedrooms to an existing home, which does not require additional parking under current parking code.</p> <p>(See #8 in OPPORTUNITIES section for additional parking discussion.)</p>

2/20/2014	4. Focus Group	<p>"Overfill" in some neighborhoods -- additional people, cars, noise, mass, bulk, etc.</p>	<p>Staff Comment: Objections to ADUs are often based on concerns about overcrowding, traffic congestion and parking shortages, and a loss of neighborhood character. However, the experience of many communities (including Bellingham) has been that new ADUs tend to "trickle in" over time. [1]</p> <p>Allowing ADUs is seen as a way of incrementally increasing residential density organically, without big changes to neighborhood architecture and character.</p> <p>Based on the 94 ADUs approved citywide since the 1995 adoption of the ADU Ordinance, expanding the allowance of ADUs would not result in significant changes to neighborhoods in terms of added mass, bulk, people, cars and noise. The South Hill neighborhood has seen the largest number of ADUs approved (19), but many have consisted of conversion of existing space in homes with little or no net increase in mass/bulk, and each has provided the required amount of parking.</p> <p>In most communities, dispersion of ADUs occurs without the necessity for government intervention. A few communities, however, have adopted provisions that limit concentrations of ADUs by controlling the number of conversions that may occur within a particular area.</p> <p>See #2 and #5 in CONCERNS section for additional discussion and approaches used in other communities.</p>
2/20/2014	5. Focus Group	<p>Design issues -- size and scale, shadow effects on solar and gardening.</p>	<p>Staff Comments: Currently in Bellingham, the regulations in single family zones for the primary house on a property:</p> <ul style="list-style-type: none"> • Limit height to 35' under height definition #1, or 20' under height definition #2; • Require setbacks of 5' from side and 10' from rear property lines; and • Require at least 30% of the site to be open space. • Allow a house to be 5,500 sq. ft. and a separate 800 sq. ft. detached accessory building (6,300 sq. ft. total). <p>Bellingham's D-ADU regulations limit the total floor area of all buildings on a site to a floor area ratio (FAR) of 0.5. FAR means the total floor area of the building(s) on a site divided by the site area. To put this into</p>

perspective, common lot sizes in many of Bellingham's older neighborhoods west of I-5 are 4,480 sq. ft. in the York Neighborhood, 5,000 sq. ft. in the Fairhaven, Happy Valley, Lettered Streets, Sunnyland, and Cornwall Park Neighborhoods, and 6,875 sq. ft. in the Sehome and South Hill Neighborhoods. The current D-ADU rules limit the floor area of all buildings on the site to:

- 2,240 sq. ft. on a 4,480 sq. ft. lot
- 2,500 sq. ft. on a 5,000 sq. ft. lot
- 3,437 sq. ft. on a 6,875 sq. ft. lot

Each of the above are far less than the 6,300 sq. ft. of floor area that is otherwise allowed for single family development in these neighborhoods.

Bellingham's regulations for detached garages, green houses, storage sheds, greenhouses and other accessory structures (not D-ADUs) on single family lots:

- Limit size to 800 square feet unless a conditional use permit is granted,
- Do not limit the number of accessory structures under 800 square feet on a property,
- Allow buildings to be located up to the property line (no setbacks required) in the rear 32' of a property, and
- Limit height to 1-story, or 12 feet under either height definition.

Concerning shadow effects on solar access and gardening, the last bullet above allows for taller 1-story accessory buildings such as barns on larger lots, and storage buildings for boats and motor homes on smaller lots. With no setback required within the rear 32' of a property per the 3rd bullet above, even a building limited to 12' in height could impact solar access on adjoining properties. Current setback regulations for D-ADUs require 5' side yard and 10' rear yard setbacks (except 0' setback when abutting an alley), which mitigates for potential shading impacts to adjoining properties. The current regulations for D-ADUs limit height to 25' under height definition #1 which is also allowed for 1-story detached accessory structures. Given that D-ADUs require setbacks from adjoining properties and other accessory structures do not have required setbacks in the rear 32' of a property, D-ADUs will have less shade impacts to adjoining

			<p>properties than what is otherwise allowed for other accessory structures, and what is otherwise allowed by the 35' height limit allowed for the primary house.</p> <p>See #2 in the CONCERNS section for additional discussion and approaches used in other jurisdictions.</p>
2/20/2014	6. Focus Group	Recreation -- loss of space for kids to play outside.	<p>Staff Comment: Though the City has a minimum 30% open space requirements for single family housing, it does not require that the house be located to maximize the open space for outdoor recreation, nor does it dictate landscape design. Adding an ADU does not alter the 30% open space requirement.</p> <p>Bellingham's required setbacks for D-ADUs are 5' for side yards and 10' for rear yards (0' when on an alley). At the same time, Bellingham requires no setback (0') for detached accessory buildings (garages, storage sheds, artist studios, greenhouses, etc.) in the rear 32' of a property.</p> <p>Other Jurisdictions:</p> <p>Ellensburg and Tacoma, WA, require a 5' setback for both side and rear yards for D-ADUs to allow more efficient use of the land and creation of a more functional space between the primary residence and D-ADU.</p> <p>Portland, OR: Currently in Portland, only garages that meet certain size and location requirements are allowed in the side and rear setbacks. They are currently considering a proposal to modify these standards to allow any small (500 sq. ft., and less than 24' of length within the 5' setback), single story (maximum 15' high) detached covered structure in the side and rear setback, including ADUs.</p>
2/20/2014	7. Focus Group	Impervious surfaces -- loss of green space/open space.	<p>Staff Comment: Development of single family housing under BMC 20.30 requires a minimum of 30 percent of the site area shall be reserved as private open space (BMC 20.30.040(D)). Development under the Infill Toolkit (BMC 20.28) increases the open space requirement to 60% for detached single family housing forms and increases the landscaping requirements for townhouses. Adding an ADU would not alter these minimum open space or landscaping requirements, however, the 60% open space requirement for Infill Toolkit housing with an ADU may be excessive.</p>

2/20/2014	8. Focus Group	<p>Cost to build ADU -- permits and other fees. Confusing regulations.</p>	<p>Staff Comments: The creation of an ADU requires an application fee, building permit fees, water service fees, system development charges (SDCs), and park and transportation impact fees. In some instances, fees can be substantial.</p> <p>Building permit fees are based on the value of the work to be done. Accordingly, most building permit fees are unique to a project and will be determined at the time of application.</p> <p>System development charges are levied by the Public Works Department. Public Works does not automatically charge an SDC when an ADU is constructed.</p> <ul style="list-style-type: none"> - If the ADU can be added without changing the size of the existing water service, there is no charge. Upon request, Public Works can verify the existing water service size. If an increase in water service is required, then there is a charge for increasing the service along with the differential cost increase for the larger service. - In some cases, it may be necessary to increase the size of the sewer or wastewater line or to provide the ADU with a separate connection to the sanitary sewer system. In these cases, additional fees are required. <p><u>Current impact fees per ADU:</u></p> <ul style="list-style-type: none"> - Park: \$3,523.53 - Transportation: \$1,084 - School: Exempt <p><u>Other Jurisdictions:</u></p> <p>Portland, OR, does not charge SDCs if adding an ADU will not result in an increase in service size. Portland also is waiving Park and Transportation impact fees for a limited period (exempt until 7/31/2016). The goal of this action is to create incentives for the development of ADUs. See the following link for specific details and limitations:</p> <p>http://www.portlandoregon.gov/bds/article/68689</p>
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			<p>Public Process Requirements:</p> <p>Like Bellingham, most jurisdictions require a discretionary review process to evaluate whether or not to approve ADUs. However, when a homeowner must go through a special “discretionary action” process before their ADU can be permitted, it makes the project more of a gamble. Also, the amount of fees, time, and resources that go into the discretionary review process drive up project cost. This can deter more of them from being built, and decrease the affordability of those that are built.</p> <p>In recognition of the above factors, some jurisdictions allow ADU's as of right with little or no public notice.</p> <p><i>Adjacent neighbors of an ADU applicant shall be notified of the ADU zoning permit application. This notification is informational only. The decision by the planning department to grant an ADU zoning permit is non-appealable by the neighbors of the permit holder. [Kent MC 15.08.350(B)(11)]</i></p>
2/20/2014	9. Focus Group	Short-term or vacation rentals -- Occupants have no vested interest in the neighborhood and frequent turnover can result in neighbors not knowing if persons on the ADU premises (and in the neighborhood) have a legitimate reason for being there.	<p>Staff Comment: Bellingham does not allow single family homes in residential zones to be used as vacation rentals. (see also #7 in OPPORTUNITIES section)</p> <p>Other Jurisdictions: Some add a specific citation to the code restricting the use of ADUs as vacation rentals.</p> <p><i>Neither the main nor accessory dwelling unit shall be used as a transient accommodation. [Port Townsend MC 17.16.020(C)(3)]</i></p>
2/20/2014	10. Focus Group	Utilities -- equity issues.	<p>Staff Comment: By using existing infrastructure, ADUs (as with most infill development) make fiscal sense for the City as providing public services generally becomes more efficient in denser communities (see also #9 in OPPORTUNITIES section).</p> <p>ADUs are no less equitable than if someone chooses to build a 2-bedroom or 6-bedroom single family home. The homeowner is responsible for paying for increases in utility fixtures and increase in impervious footprint for stormwater.</p> <p>Many older homes were designed to hold large (by today's standards) households. Converting existing space in these older homes to an A-ADU will generally result in the same number of occupants than the home was</p>

			<p>originally built for. Building an addition for an A-ADU, or adding a D-ADU, will generally be the equivalent to adding one or two bedrooms to an existing home.</p> <p>Whether adding an ADU or adding bedrooms to an existing single family home, the homeowner will be required to pay for any increase in utility fixtures and increase in impervious footprint for stormwater.</p> <p>Adding an ADU to a single family home will increase the property value, increase the property tax assessment, and increase municipal revenues which pay to maintain public infrastructure and services.</p>
2/20/2014	11. Focus Group	Public services -- impacts on parks, schools, police, fire, etc.	<p>Staff Comment: By using existing infrastructure, ADUs make fiscal sense for the City as providing public services generally becomes more efficient in denser communities. Existing neighborhoods are well-served by existing services such as schools, police, fire/EMS (see #9 in OPPORTUNITIES section and #10 in CONCERNS section).</p> <p>Adding housing that uses existing infrastructure allows the City to focus resources on maintaining and improving existing infrastructure such as building complete streets, adding new amenities such as parks, and installing new recreational amenities in existing parks. Adding residents to existing neighborhoods makes the provision of services such as police, and fire/ems more economical.</p> <p>Increased density encourages residents to walk to neighborhood schools, and makes transit more accessible to a broader population.</p> <p>ADUs facilitate compact and efficient use of land; efficient delivery of services; ease of travel on foot; and vibrant activity. They can draw a community together, resulting in greater natural surveillance and improved safety.</p> <p>Adding an ADU to a single family home will increase the property value, increase the property tax assessment, and increase municipal revenues which pay to maintain and enhance public services.</p>
2/20/2014	12. Focus Group	Allowing ADUs will be the beginning of a negative slide that deteriorates neighborhoods.	<p>Staff Comment: ADUs are seen as a way of incrementally increasing residential density organically, without significant changes to architectural and neighborhood character.</p>

			<p>ADUs encourage new investment in existing neighborhoods, improvements to property and the existing housing stock, and a guarantee of owner occupancy. Homeowners generally have a vested interest in their property and neighborhood, and the activities of tenants.</p> <p>ADUs facilitate compact and efficient use of land, efficient delivery of services, ease of travel on foot, and vibrant activity. Added vibrancy and pedestrian activity provides greater natural surveillance and improved safety. ADUs provide an affordable housing option that can be available to those that may not otherwise be able to afford to live in one of Bellingham's established neighborhoods.</p> <p>Based on the 94 ADUs approved citywide since the 1995 adoption of the ADU Ordinance and the experiences of other cities, expanding the allowance of ADUs would not result in wholesale changes to neighborhoods in terms of added mass, bulk, people, cars and noise. The South Hill neighborhood has seen a large number of ADUs approved (19), but most have consisted of conversion of existing space in homes with little or no net increase in mass/bulk, and each has provided the required amount of parking.</p>
2/20/2014	13. Focus Group	Change is difficult.	<p>Staff Comment: Noted. ADUs can incrementally increase residential density, without significant changes to architectural or neighborhood character.</p>
	14. Focus Group	Must look at the unique characteristics of each neighborhood when determining applicability.	<p>Staff Comment: Concerning A-ADUs, BMC 20.10.035(A), Purpose and Intent, states: <i>"... The director shall have the authority to approve accessory dwelling units which are located within or attached to a single-family residence and existing detached accessory dwelling units, consistent with single-family neighborhood character and the regulations and provisions herein. It is not the intent of these regulations to provide for accessory dwelling units on every residential property and they shall not be deemed to create a right or privilege to establish or maintain an accessory dwelling unit which is not strictly in compliance with these regulations."</i></p> <p>The above provision gives the Planning Director discretion to deny an ADU application if deemed not to be consistent with neighborhood character. The D-ADU standards in BMC 20.28 do not contain such a provision.</p>

OTHER COMMENTS			
Date Submitted	Submitted by:	Comments (Opportunities)	Staff/Technical Group comments, or Approaches from other jurisdictions
3/5/15	1. Planning Commission	What is the current need and demand for rental units in general and ADUs in particular?	<p>Staff Comment: The current rental vacancy rate in Bellingham is 2.9%.</p> <p>The existence of low rental vacancy rates suggests that there is a need for additional rental units, including ADUs. Rental vacancy rates are subject to many variables and are inherently cyclical. ADU construction can be expected to trend in similar fashion with the broader rental housing market. However, they may weather down cycles due to the greatly expanding population of Baby Boomers and their attraction to the many benefits of ADUs such as caretaker functions, extended family living, and supplementing retirement income.</p>
3/5/15	2. Planning Commission	The number of accessory apartments in the community, including illegal units, needs to be determined.	<p>Staff Comment: The Rental Registration and Inspection Program recently adopted by the City will assist in identifying and resolving illegal units. This will take time, resources and a concerted effort.</p>
7/10/15	3. Technical Group	The ADU approval process creates uncertainty and discourages development of ADUs.	<p>TG Comment: ADU review and decision should be a Type I process (permitted as of right, no public notification required). Rationale: There should be no public process if all standard requirements are being met. Why not have a standard requirement and if people want to deviate from the standard then they have to go through a public process, then get a Director's decision. Don't have a variance process.</p> <p>Additional discussion by the group included having standard requirements for which an ADU may be permitted as of right, and if people want to deviate from the standard then they would have to go through a public process, then get a Director's decision. Don't have a variance process.</p> <p>Other Jurisdictions: Portland, OR, requires design compatibility [PMC 33.205.030(C)(7-11)], but is currently considering a proposal that would remove all design compatibility standards for ADUs that are under 15' in height. As such, design compatibility would only be required for D-ADUs that are over 15' in height given that taller accessory structures can have a larger effect on neighborhood livability and character since they are often more visible from adjoining backyards. Portland allows D-ADUs as of right, but the above is an example of a potential threshold that can be used to</p>

			<p>distinguish between what is allowed as of right, and what gets bumped into a discretionary review process.</p> <p>This flexibility in height and design would allow for standard ADU house plans to be created, reducing the overall construction and planning costs for the units, which could lead to greater affordability.</p> <p>See #8 in CONCERNS section for additional discussion.</p>
7/10/15	4. Technical Group	Do not restrict the location on a lot where a D-ADU can be sited. Allow architects/designers flexibility to figure out how to make it fit.	<p>TG Comment: Do not restrict the location on a lot where a D-ADU can be sited.</p> <p>See #2 - "Location on the Lot" in the CONCERNS section for additional discussion.</p>
7/10/15	5. Technical Group	ADUs should not be limited to 40% of the size of the primary residence.	<p>TG Comments: Allow a maximum size of 800 square feet, or up to 80% of primary residence, whichever is more restrictive. Keep 2 bedroom limit.</p> <p>Rationale: There are many existing small bungalows in older neighborhoods that are less than 1,000 SF and could benefit from a larger ADU on site. Forty percent (40%) of a small bungalow doesn't allow for a very large ADU. Increasing the allowance to 80% would allow a 900 sq. ft. bungalow in the Columbia Neighborhood to add a 720 sq. ft. ADU.</p> <p>Bellingham's current size restriction that limits ADUs to 40% of the size of the primary residence can result in discrimination by income. A person that can afford a larger 2,000 sf home on a 5,000 SF lot can build an 800 SF ADU. A person that can only afford a 1,000 SF home on the same size lot can only build a 400 SF ADU. By all accounts, allowing an 800 SF ADU along with the small house will have less impact than an 800 SF ADU with the large home in terms of mass, bulk, # of inhabitants, parking demand, etc.</p> <p>Allowing ADUs could help to satisfy Bellingham's future housing projections and demand. Allowing larger ADUs along with existing smaller homes such as bungalows can better accommodate projected population growth and make more efficient use of the land, while still achieving the intent of appearing subordinate to the primary residence and having little discernable impact on neighborhood character.</p>

			<p>Other Jurisdictions: Portland, OR: <i>The size of the accessory dwelling unit may be no more than <u>75 percent</u> of the living area of the primary dwelling unit or 800 square feet, whichever is less.</i> [PMC 33.205.030(C)(6)]</p> <p>Mercer Island, WA: <i>The square footage of the ADU shall be ... a maximum of 900 square feet, excluding any garage area; provided, the square footage of the accessory dwelling unit shall not exceed 80 percent of the total square footage of the primary dwelling unit ...</i> [MIMC 19.02.030(B)(4)]</p>
	6. Technical Group	Parking	<p>TG Comments:</p> <ol style="list-style-type: none"> 1. Require 1 stall per ADU for both attached/detached. 2. Allow the Director discretion to waive parking with criteria for all ADUs, consistent with what is currently allowed for D-ADUs. 3. Require parking off alley when alley is present to reinforce pedestrian streetscape design. 4. Allow exterior tandem parking (in driveway). <p>See #8 in OPPORTUNITIES section and #3 in CONCERNS section for additional discussion on parking issues.</p>
	7. Technical Group	ADU Entry	<p>TG Comments: There should be no restriction on the number of entrances visible from the front street. Rationale: It should be intuitive that there is a second unit on a site for visitors and mobile services to easily find, and to allow visual surveillance from neighboring properties for greater safety and security. Architects and designers should be allowed to determine the appropriate design for SF home and ADU entries.</p> <p>Most jurisdictions allow no more than one main entry to be visible from the street, restricting the ADU entry to the side or rear. Bellingham restricts A-ADUs similarly, but has no such restriction for D-ADUs.</p> <p>Other Jurisdictions: Olympia, WA requires the ADU entry be visible from the street: <i>"Provide a clearly defined building entry for an ADU that is easily accessible from the street or the existing residence. Provide a well-lighted, paved sidewalk to the building entry. ... The entry to an ADU may be shared with the primary residence. When there is a separate entry, construct an identifying feature, such as a porch, stoop and/or an eave overhang that is integral to the ADU structure. ..."</i> [OMC 18.75.090]</p>

	8. Technical Group	Design compatibility with the primary residence	<p>TG Comments: Design compatibility should not be required, especially for D-ADUs located in the rear of properties. Rationale: D-ADUs located in the rear of properties generally are not readily visible from the public (streets). Even when visible, allowing greater architectural diversity can provide for a more vibrant and dynamic neighborhood environment.</p> <p>See #2 - "Compatible Architectural Design" in CONCERNS section for additional discussion.</p>
	9. Technical Group	Building setbacks for D-ADUs	<p>TG Comment: Require no setbacks for D-ADUs in the rear 32 feet of a lot. Rationale: This allowance would be consistent with what is currently allowed for detached accessory buildings.</p> <p>See #s 5 and 6 in CONCERNS section for additional discussion regarding setbacks.</p>
	10. Technical Group	Minimum separation between the primary residence and D-ADU	<p>TG Comment: Require minimum 6' separation between D-ADUs and primary residences to be consistent with minimum Building Code separation requirements.</p> <p>Other Jurisdictions: Spokane, WA: <i>The accessory dwelling unit must be at least ...six feet behind the house, attached house or manufactured home ...</i>[SMC 17C.300.130(B)(1)]</p>
	11. Technical Group	Height Limit	<p>TG Comment: For D-ADUs, allowed height limit should just be the 25' height limit under height definition #1 as currently exists, and should not be further limited by the height of the existing primary residence. Rationale: An exclusive 25' height limit would generally allow for up to a 1-story variation between buildings on a site and would be consistent with the height variation typically found between residential buildings on neighboring properties. Allowing greater variation in height can provide for a more vibrant and visually interesting neighborhood environment.</p>
	12. Technical Group	Maximum allowed single floor area for D-ADUs	<p>TG Comments: Eliminate the existing 500 square foot maximum allowed single floor area to be consistent with A-ADUs, and to allow rambler designs that better serve seniors and disabled accessibility.</p> <p>The intent of Bellingham's limiting the amount of floor area on any single floor for D-ADUs was to encourage taller buildings with smaller footprints, thereby providing more open space.</p>

			Other Jurisdictions: Regulating the floor area of D-ADUs in the manner that Bellingham does it appears to be very rare. No others could be found.
	13. Technical Group	Open Space	TG Comment: Reduce the open space requirement for the Small House and Smaller House forms in the Infill Toolkit (BMC 20.28) from 60% to 30% when including an ADU to be consistent with the open space requirement for standard single family development in BMC 20.30 .

[1] Accessory Units: An Increasing Source of Affordable Housing. 1991. By Patrick H. Hare and John Danbury. *Public Management* 73, pp. 5-8, cited in [Accessory Dwelling Units](#). 1995. Report No. 33. Seattle, WA: Municipal Research and Services Center of Washington; and [Accessory Dwelling Units](#). 2004. *Instant Advocate*. Oakland, CA: Transportation and Land Use Coalition, Section 2: Is this the Right Tool for You?