

Amendment 4: Require ownership of the property for 1 year prior to permitting a 2nd ADU

Sponsor: Councilmember Herbold

Background: Under existing regulations, an ADU is only permitted if the property owner occupies either the single-family dwelling or the ADU as their permanent residence. The owner-occupant must have at least a 50 percent interest in the property, must live in the structure for more than six months of each calendar year, and must sign, notarize, and record with King County an owner-occupancy covenant. CB 119544 would eliminate the owner occupancy requirement and allows two ADUs on a lot.

To add a second ADU, CB 119544 would require that the new ADU meets a green building standard OR the ADU must be a rent- and income restricted unit for at least 50 years.

This amendment would require that, to add a second ADU, the property must have been in continuous ownership for a minimum of one year prior to permit application and the new ADU must meet a green building standard, OR the ADU must be a rent- and income restricted unit for at least 50 years.

Notes:

Double underlines indicate new language to be added.

~~Double strikethroughs~~ indicate language proposed to be removed.

Amendment

Amend Section 5 to Council Bill 119544 as follows:

23.44.041 Accessory dwelling units

A. ~~((Accessory dwelling units, general provisions))~~ General provisions. The Director may authorize an accessory dwelling unit, and that dwelling unit may be used as a residence, only under the following conditions:

1. Number of accessory dwelling units allowed on a lot.

a. In an SF 5000, SF 7200, or SF 9600 zone, a lot with or proposed for a principal single-family dwelling unit may have ~~((no more than one))~~ up to two accessory dwelling units, provided that the following conditions are met:

1) Only one accessory dwelling unit may be a detached accessory dwelling unit; and

2) A second accessory dwelling unit is allowed only if : (1)

the lot has been owned by the same person or persons for at least twelve months prior to permit

application, and the applicant makes a commitment that the new principal structure or the new accessory structure containing a detached accessory dwelling unit will meet a green building standard and shall demonstrate compliance with that commitment, all in accordance with Chapter 23.58D. A second accessory dwelling unit that is proposed within an existing structure does not require the structure to be updated to meet the green building standard; or (2) if the second accessory dwelling unit is a rental unit affordable to and reserved solely for “income-eligible households,” as defined in Section 23.58A.004, and is subject to an agreement specifying the affordable housing requirements under this subsection approved by the Director of Housing to ensure that the housing shall serve only income-eligible households for a minimum period of 50 years. The monthly rent, including basic utilities, shall not exceed 30 percent of the income limit for the unit, all as determined by the Director of Housing, and the housing owner shall submit a report to the Office of Housing annually that documents how the affordable housing meets the terms of the recorded agreement. Prior to issuance, and as a condition to issuance, of the first building permit for a project, the applicant shall execute and record a declaration in a form acceptable to the Director that shall commit the applicant to satisfy the conditions to establishing a second accessory dwelling unit as approved by the Director.

b. In an RSL zone, each principal dwelling unit may have no more than one accessory dwelling unit.

2. In the Shoreline District, accessory dwelling units shall be as provided in Chapter 23.60A; where allowed in the Shoreline District, they are also subject to the provisions in this Section 23.44.041.

~~((3. — The owner(s) of the lot shall comply with the owner occupancy requirements of subsection 23.44.041.C.~~