

June 14, 2019

MEMORANDUM

To: Sustainability and Transportation Committee
From: Aly Pennucci, Analyst
Subject: Council Bill 119544: Accessory Dwelling Units Legislation

On June 18, 2019, the Sustainability and Transportation Committee (Committee) will consider amendments and may take action on Council Bill (CB) 119544. The bill would amend the Land Use Code to remove regulatory barriers to the creation of Accessory Dwelling Units (ADUs) in single-family zones. ADUs include detached accessory dwelling units (DADUs), also known as backyard cottages, and attached accessory dwelling units (AADUs), also known as in-law apartments.

The proposed legislation would make changes to regulations governing ADUs; the changes include: allowing two ADUs on a lot, removing the existing off-street parking and owner-occupancy requirements for ADUs, introducing a Floor Area Ratio (FAR) limit for single-family lots, increasing the maximum household size for lots that have two ADUs, and other changes to the size and location development standards regulating DADUs.

This memorandum:

- 1) Provides background information about development of the ADU proposal;
- 2) Describes amendments proposed by Councilmembers identified to date (specific amendment language is included in the attachments to this memo). Additional amendments will be posted when they are available.
- 3) Outlines next steps.

Background

Since 1994 and 2010 attached and detached accessory dwelling units, respectively, are allowed citywide as part of a main house or in the backyard of lots in single-family zones. Section 23.44.041 of the Seattle Municipal Code (SMC) includes ADU regulations. The proposed code changes would modify certain provisions pertaining to development standards and other regulations, modifying the rules regulating when and where a property owner can create an ADU, and introduces an FAR limit for single-family dwelling units in certain single-family zones.

In September 2014, the City Council adopted [Resolution 31547](#), directing the Department of Planning and Development staff, now the Office of Planning and Community Development (OPCD), to explore policy changes to encourage development of ADUs. In response, OPCD proposed changes to the Land Use Code and, under the leadership of Councilmember O'Brien, drafted legislation for environmental review under the State Environmental Policy Act (SEPA). OPCD prepared an [environmental checklist](#) evaluating the potential environmental impacts of

the proposed changes and issued a [determination of non-significance](#) in 2016. The determination of non-significance was appealed, and in December 2016, the Seattle Hearing Examiner issued a decision on the appeal that required a more thorough review of the potential environmental impacts of the proposal.

Based on the Hearing Examiner's decision, Council Central Staff initiated the process to develop an Environmental Impact Statement (EIS) in 2017.¹ On October 4, 2018, the [Final EIS](#) was issued, identifying potential environmental impacts of the proposed changes and proposing a preferred alternative.

Following the release of the Final EIS in October 2018, an appeal of the adequacy of the Final EIS was filed with the City's Hearing Examiner. The hearing for this appeal concluded on March 29, 2019. In May 2019, the City's Deputy Hearing Examiner [upheld](#) the Final EIS clearing the way for legislative action. The proposal was discussed at previous Committee meetings on [May 7](#), [May 29](#), and [June 11](#), 2019. The previous discussion, staff analysis, and public comment informed the amendments described below.

Proposed Amendments

1. Technical and Clarifying amendments (*Councilmember (CM) O'Brien*)

This amendment is a substitute version of CB 119544 that incorporates technical and clarifying amendments to fix typos and other drafting errors identified by Central Staff. The substitute bill with the technical corrections will be posted when it is available (Attachment 1).

2. Information and training for new landlords (*CM O'Brien*)

Making it easier to construct accessory dwelling units will create opportunities for new landlords. To be a successful landlord, understanding the landlord's role and responsibilities is critical. This amendment would request that the Seattle Department provide educational materials to property owners about becoming a landlord at the time the permit is issued and notify those property owners about any upcoming landlord trainings SDCI offers or is aware of. This could be achieved by providing a copy of SDCI's [Information for Tenants](#) handout, with the addition of information about landlord training opportunities. (Attachment 2)

3. Allow increased rear yard coverage for all DADUs (*CM O'Brien*)

Single-family homes (principal structures) and associated structures (accessory structures) may cover up to 35 percent of the lot on lots 5,000 square feet or greater in area. On lots less than 5,000 square feet in area, these structures may cover 1,000 square feet plus 15 percent of the lot. In addition to the overall lot coverage requirements, accessory structure cannot cover more than 40 percent of a rear yard. The rear yard is the area between the side lot lines extending from the rear lot line a distance of 25 feet or 20 percent of the lot

¹ The Executive at that time chose not to pursue the ADU work, which resulted in the Legislative branch taking the lead on the developing the EIS. Council Central Staff led the effort and the Executive provided subject matter expertise and project management support by allocating staff from OPCD to assist Central Staff on the efforts.

depth. When the rear yard abuts an alley, the rear yard is calculated from the alley centerline. The maximum rear yard coverage is in addition to the maximum total lot coverage. (Attachment 3)

CB 119544 as introduced would allow single-story DADUs to cover up to 60 percent of a rear yard if the additional rear yard coverage does not result in removing trees over a certain size (no changes are proposed to the overall lot coverage). The intent of that change was to make it easier to build single-story ADUs that accommodate mobility needs. This amendment would allow all DADUs to cover 60 percent of the rear yard, regardless of height, provided that the increased rear yard coverage does not require removal of any exceptional trees or trees over 2 feet in diameter measured 4.5 feet above the ground. This amendment would not increase the total lot coverage allowed on the lot and would still include a limitation on the increased rear yard coverage if it results in removal of a tree, therefore, the changes would be consistent with what was analyzed for the bill as proposed. This amendment is intended to provide flexibility for conversion and additions to existing structures and generally to make it easier to build an ADU.

4. Prohibit short-term rental use in ADUs (*CM Herbold*)

Under the City's existing regulations governing short-term rental uses, a short-term rental operator can obtain a license to offer one dwelling unit as a short-term rental, or two dwelling units if one is the operator's primary residence. Under existing ADU regulations, under which the owner must live on the property with an ADU at least six months per year, the owner could offer both the main house and the ADU for short-term rental use, because one of the units is their primary residence. CB 119544 would eliminate the owner occupancy requirement and allow two ADUs on a lot. With the existing regulations governing short-term rental uses, this would allow only one of the units (either the main house or one ADU) to be used for short-term rental use, or, if the owner lives on-site, two of the units could be used for short-term rental (the unit the owner occupies and one additional unit).

This amendment would prohibit short-term rental use in any accessory dwelling unit permitted after the effective date of the ordinance introduced as CB 119544. The purpose of this amendment is to ensure that the policy goal of removing regulatory barriers to ADUs to increase the variety and housing choices in Single-family zones is providing long-term housing to address the need for more housing in Seattle.

5. Require ownership of the property for 1 year prior to permitting a 2nd ADU (*CM Herbold*)

Under existing regulations, an ADU can only be permitted if the property owner occupies either the single-family dwelling or the ADU as their permanent and main 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.

The Preferred Alternative in the [Final EIS](#) contemplated a related but different requirement related to ownership: a second ADU would be permitted only if the property was in continuous ownership for a minimum of one year prior to permit application. This amendment would incorporate this option into CB 119544. The purpose of this amendment is to disincentivize speculative development in single-family zones by preventing redevelopment of the lot with a new home and two accessory dwelling units immediately after the property is purchased.

The analysis in the EIS did not support the conclusion that the proposed changes would increase speculation and displacement. The analysis considered whether the changes would modify land values such that a developer who intends to redevelop the property could afford to pay more for land and, thus, outbid other buyers or pressure current homeowners to sell. The analysis suggests that land prices are unlikely to change substantially due to the proposed code changes. However, this amendment would continue to allow existing property owners of at least one-year, including those properties that are already rental properties, to add two ADUs upon the effective date of the Ordinance introduced as CB 119544.

6. Exempt bicycle parking areas from FAR limits and the maximum size of ADUs (CM Pacheco)
Under existing regulations, FAR limits are used in multifamily and commercial zones to regulate the bulk and scale of buildings. In Single-family zones, there are no FAR limits today, instead, the maximum size of structures on lots in single-family zones are effectively controlled by yard requirements, height limits, and lot coverage limits. CB 119544 would apply an FAR limit of 0.5 or 2,500 square feet (whichever is greater) to principal single-family homes. Below-grade floor area, any floor area in ADUs, and up to 500 square feet of floor area in any other accessory structure would not count toward the FAR limit. In addition, CB 119544 would increase the maximum size of a DADU from the existing 800 square feet to 1,000 square feet.

This amendment would exempt up to 25 square feet of floor area dedicated to bicycle parking from the FAR limit and from the maximum size requirements for a DADU. Practically, this will likely result in exempting 25 square feet of floor area whenever a DADU is proposed or a new single-family home is constructed, because it will be difficult for SDCI to isolate floor area specifically for bicycle parking.

This amendment also adds a new Section to the bill requesting that the Seattle Department of Transportation consider opportunities to increase access to public bike parking in single-family zones.

7. Request development of an amnesty program for unpermitted ADUs (CM Pacheco)
Since 1994 and 2010 AADUs and DADUs, respectively, have been allowed citywide as part of a main house or in the backyard of lots in single-family zones. ADUs may have been constructed before or after that time without a permit for a variety of reasons. This amendment requests that the Seattle Department of Construction and Inspections

undertake an amnesty program for accessory dwelling units that were constructed without permits. The purpose of the program is to increase the city's stock of legal and affordable housing that is both safe and habitable.

8. Allow open railings to extend above the height limit on a DADU to accommodate a roof deck (CM Mosqueda)

Currently, the maximum height of a DADU depends on the width of the lot and ranges from 12 to 16 feet for the base height with additional height allowed for pitched, butterfly, and shed roofs. CB 119544 would increase the base height by 2-3 feet, with an additional 2 feet permitted to accommodate green roofs and other green building features. In addition, certain projections that accommodate windows and result in additional interior space, including dormers, clerestories, and skylights, may extend no higher than the ridge of a pitched roof. This amendment would allow open railings to extend up to 4 feet above the base height limit to accommodate roof decks.

9. Report on ADU Loan Pilot for Low-income Homeowners (CM Herbold)

The Office of Housing, at the direction of Council, is implementing a pilot program that would authorize loans to low-income homeowners who want to create additional habitable space on their property to house a low-income family or community member. This could include finishing a basement, creating an accessory dwelling unit, or bringing an existing unregistered ADU up to code. The pilot program is expected to provide five to 10 loans to low-income homeowners by September 2020.

This amendment requests that OH reports to the Council on lessons learned from this pilot program and makes recommendations to expand this program, or develop a new program, to offer financial support for the development of rent- and income-restricted units to a all property-owners.

10. Request a report on short-term rental use in ADUs (CM O'Brien)

Section 11 in CB 119544 requests that the Seattle Department of Construction and Inspections reports annually to the Council about ADU permit activity. This amendment would modify that section to request information about short-term rental activity occurring in ADUs and consideration of future changes to regulations governing short-term rental use, as appropriate. If Amendment 4 is adopted this amendment would not be needed.

11. Include questions about the demographics of ADU owners and occupants and rents charged for ADU tenants in the ADU survey (CM Pacheco)

Section 11 in CB 119544 requests that the Seattle Department of Construction and Inspections reports annually to the Council about ADU permit activity and conducts a survey within three years after implementation of ADU owners and occupants. This amendment would modify that section to request information about the demographics of ADU owners and occupants and the rent charged to ADU tenants.

Next Steps

If the Committee takes action on CB 119544 on June 18, the bill will be referred to the Full Council for consideration on or after July 1st. Prior to that date a new bill may be introduced to incorporate amendment 4, if adopted, into the title of the bill. Additional amendments, including any technical corrections, may be considered by the Full Council on or after July 1.

Attachments:

1. Attachment 1: Substitute Bill (will be posted when available)
2. Attachment 2: Amendments 2 through 11

cc: Kirstan Arestad, Central Staff Director

Amendment 2 to CB 119544

Amendment 2: Information and Training for new landlords

Sponsor: Councilmember O'Brien

Background:

Making it easier to construct accessory dwelling units will create more rental opportunities and create more opportunities for people to become landlords. To become a successful landlord, understanding the landlord's role and responsibilities is critical. This amendment would request that the Seattle Department of Construction and Inspections provide educational materials to property owners about what they need to know about becoming a landlord at the time the permit is issued and notify those property owners when they are offering landlord trainings.

Notes:

Double underlines indicate new language to be added.

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

A dashed underline indicates that language that was proposed to be deleted that would be retained by this amendment.

This amendment will require renumbering Sections 12 and 13 in CB 119544 as introduced.

Amendment

Add a new Section to Council Bill 119544 as follows:

Section #. The Council requests that the Seattle Department of Construction and Inspections develops a process to ensure that property owners are provided educational materials at the time a permit to construct an accessory dwelling unit is issued about becoming a landlord, including applicable state and local laws about landlords obligations and the rights of renters. In addition, SDCI shall notify those property owners of available trainings for landlords.

Amendment 3 to CB 119544

Amendment 3: Increase the maximum rear yard coverage for all DADUs, regardless of height.

Sponsor: Councilmember O'Brien

Background:

Single-family homes (principal structures) and associated structures (accessory structures) may cover up to 35 percent of the lot on lots 5,000 square feet or greater in area. On lots less than 5,000 square feet in area, these structures may cover 1,000 square feet plus 15 percent of the lot. In addition to the overall lot coverage requirements, accessory structure cannot cover more than 40 percent of a rear yard. The rear yard is the area between the side lot lines extending from the rear lot line a distance of 25 feet or 20 percent of the lot depth. When the rear yard abuts an alley, the rear yard is calculated from the alley centerline. The maximum rear yard coverage is in addition to the maximum total lot coverage.

CB 119544 as introduced would allow single-story DADUs to cover up to 60 percent of a rear yard if the additional rear yard coverage does not result in removing trees over a certain size (no changes are proposed to the overall lot coverage). This amendment would allow all DADUs to cover 60 percent of the rear yard, regardless of height, provided that the increased rear yard coverage does not require removal of any exceptional trees or trees over 2 feet in diameter measured 4.5 feet above the ground.

Notes:

Double underlines indicate new language to be added.

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

Amendment

Amend Section 2 to Council Bill 119544 as follows:

23.44.014 Yards and separations

* * *

D. Additional standards for structures if allowed in required yards. Structures in required yards shall comply with the following:

1. Accessory structures, attached garages, and portions of a principal structure shall not exceed a maximum combined coverage of 40 percent of the required rear yard, except that a detached accessory dwelling unit ~~15 feet or less in height~~ may cover an additional 20 percent of the rear yard provided the increased rear yard coverage does not require removal of any exceptional trees or trees over 2 feet in diameter measured 4.5 feet above the ground. In the

Amendment 3 to CB 119544

case of a rear yard abutting an alley, rear yard coverage shall be calculated from the centerline of the alley.

2. Any accessory structure located in a required yard shall be separated from its principal structure by a minimum of 5 feet. This requirement does not apply to terraced garages that comply with subsection 23.44.016.C.9.b.

* * *

Amendment 4 to CB 119544

Amendment 4: Prohibit short-term rental use in ADUs

Sponsor: Councilmember Herbold

Background:

Under the City’s existing regulations governing short-term rental uses, a short-term rental operator can obtain a license to offer one dwelling unit as a short-term rental, or two dwelling units if one is the operator’s primary residence. Under existing ADU regulations, under which the owner must live on the property with an ADU at least six months per year, the owner could offer both the main house and the ADU for short-term rental use because one of the units must be their primary residence.

This amendment would prohibit short-term rental use in any accessory dwelling unit permitted after the effective date of the ordinance introduced as CB 119544.

Notes:

Double underlines indicate new language to be added.

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

This amendment will require introduction of a new council bill to add SMC Section 23.42.060 to the title of the bill and renumber most Sections in CB 119544.

Amendment

Add a new Section ## to Council Bill 119544 as follows:

Section #. Section 23.42.060 of the Seattle Municipal Code, enacted by Ordinance 125483, is amended as follows:

23.42.060 - Short-term rentals

Short-term rental uses are subject to the following provisions:

A. Short-term rental uses are permitted in any structure established as a dwelling unit unless (1) the proposed use is in a dwelling unit established as a caretaker's quarters, or (2) the proposed use is over water or otherwise prohibited by the shoreline regulations contained in Chapter 23.60A.

B. A short-term rental use may be located in a principal dwelling unit. A short-term rental use is prohibited in ((-or)) an accessory dwelling unit permitted after the effective date of the ordinance introduced as Council Bill 119544.

Amendment 5 to CB 119544

Amendment 5: 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.

The Preferred Alternative in the Final Environmental Impact Statement contemplated a related but different requirement related to ownership: a second ADU would be permitted only if the property was in continuous ownership for a minimum of one year prior to permit application. This amendment would incorporate this option contemplated into CB 119544.

Notes:

Double underlines indicate new language to be added.

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

A dashed underline indicates that language that was proposed to be deleted that would be retained by this amendment.

Amendment

Amend Section ## 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

Amendment 5 to CB 119544

2) A second accessory dwelling unit is allowed only if ~~the applicant~~ either: (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 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 ~~on a~~ 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 ~~((that))~~ to ensure that the housing shall serve only income-eligible households for a minimum period of fifty 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.

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.~~

Amendment 6 to CB 119544

Amendment 6: Exempt bicycle parking areas from FAR limits and the maximum size of ADUs

Sponsor: Councilmember Pacheco

Background:

Under existing regulations, FAR limits are used in multifamily and commercial zones to regulate the bulk and scale of buildings. In single-family zones, there are no FAR limits today, instead, the maximum size of structures on lots in single-family zones are effectively controlled by yard requirements, height limits, and lot coverage limits. CB 119544 would apply an FAR limit of 0.5 or 2,500 square feet (whichever is greater) to principal single-family homes. Below-grade floor area, any floor area in ADUs, and up to 500 square feet of floor area in any other accessory structure would not count toward the FAR limit. In addition, CB 119544 would increase the maximum size of a DADU from the existing 800 square feet to 1,000 square feet.

This amendment would exempt up to 25 square feet of floor area dedicated to bicycle parking from the FAR limit and from the maximum size requirements for a DADU. In addition, this amendment adds a new Section to the bill requesting that the Seattle Department of Transportation consider opportunities to increase access to public bike parking in single-family zones.

Notes:

Double underlines indicate new language to be added.

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

Amendment

Amend Section 1 to Council Bill 119544 as follows:

Section 1. Section 23.44.011 of the Seattle Municipal Code, enacted by Ordinance

125791, is amended as follows:

23.44.011 Floor area in ~~((RSL))~~ single-family zones

A. Gross floor area. In ~~((RSL))~~ single-family zones, gross floor area includes exterior corridors, breezeways, and stairways that provide building circulation and access to dwelling units or sleeping rooms. Balconies, patios, and decks that are associated with a single dwelling unit or sleeping room and that are not used for common circulation, and ground-level walking paths, are not considered gross floor area.

B. Floor area ratio (FAR) limits.

Amendment 6 to CB 119544

1. The FAR limit for single-family dwelling units in SF 5000, SF 7200, and SF 9600 zones is 0.5, except that lots with less than 5,000 square feet of lot area can include up to 2,500 square feet of total chargeable floor area. The applicable FAR limit applies to the total chargeable floor area of all structures on the lot.

2. The FAR limit in RSL zones is 0.75. The applicable FAR limit applies to the total chargeable floor area of all structures on the lot.

C. The following floor area is exempt from FAR limits:

1. All stories, or portions of stories, that are underground.
2. All portions of a story that extend no more than 4 feet above existing or finished grade, whichever is lower, excluding access.

3. In SF 5000, SF 7200, and SF 9600 zones:

~~a. Any floor area contained in an accessory dwelling unit: and up~~

b. Up to 500 additional square feet of floor area in any other accessory structure that is not a detached accessory dwelling unit: and

c. Up to 25 square feet of floor area used for indoor bicycle parking.

* * *

Amend Section 5 to Council Bill 119544 as follows:

Section 5. Section 23.44.041 of the Seattle Municipal Code, last amended by Ordinance 125791, is amended as follows:

23.44.041 Accessory dwelling units

* * *

B. Attached accessory dwelling units. Attached accessory dwelling units are subject to the following additional conditions:

Amendment 6 to CB 119544

1. The gross floor area of an attached accessory dwelling unit may not exceed 1,000 square feet, excluding garage area, unless the portion of the structure in which the attached accessory dwelling unit is located existed as of December 31, 2017. Up to 25 square feet of floor area dedicated to indoor bicycle parking shall be exempt from the gross floor area calculation for an attached accessory dwelling unit.

* * *

~~((B)) C.~~ ~~((Accessory))~~ Detached accessory dwelling units. ~~((, detached, additional provisions. The Director may authorize a detached))~~ Detached accessory dwelling units are ~~((, and that unit may be used as a residence, only under the conditions set forth in subsection 23.44.041.A and))~~ subject to the following additional conditions:

1. Detached accessory dwelling units are required to meet the additional development standards set forth in Table ~~((B))~~ A for 23.44.041.

Table ((B)) <u>A</u> for 23.44.041 Development standards for detached accessory dwelling units ^{1,2}	
a. Minimum lot size	((4,000)) <u>3,200</u> square feet
b. Minimum lot width	25 feet
c. Minimum lot depth	70 feet ^{3 ((2))}
d. Maximum lot coverage	((The provisions of Section 23.44.010 apply.)) <u>Detached accessory dwelling units are subject to the requirements governing maximum lot coverage and lot coverage exceptions in subsections 23.44.010.C and 23.44.010.D.</u>
e. Maximum rear yard coverage	((A detached)) <u>Detached accessory dwelling units, together with any other accessory structures and other portions of the principal structure, ((is limited to a maximum combined coverage of 40 percent of the rear yard)) are subject to the requirements governing maximum rear yard coverage and lot coverage exceptions in subsections 23.44.014.D.</u>

Amendment 6 to CB 119544

Table ((B)) A for 23.44.041 Development standards for detached accessory dwelling units ^{1,2}	
f. Maximum ((gross floor area) <u>size</u>)	((800) <u>The gross floor area of a detached accessory dwelling unit may not exceed 1,000 square feet ((including)) excluding garage ((and storage)) areas, ((but excluding covered)) porches and covered decks that are less than 25 square feet in area, and ((underground areas measured as set forth in Section 23.86.007)) gross floor area below grade. <u>Up to 25 square feet of floor area dedicated to indoor bicycle parking shall be exempt from the gross floor area calculation for a detached accessory dwelling unit.</u></u>

* * *

Add a new Section to Council Bill 119544 as follows (*note – this amendment will require renumbering sections 12 and 13 in CB 119544*):

Section #. The Council requests that the Seattle Department of transportation consider opportunities to increase access to public bicycle parking areas in single-family zones.

Amendment 7 to CB 119544

Amendment 7: Request development of an amnesty program for unpermitted ADUs

Sponsor: Councilmember Pacheco

Background:

Since 1994 and 2010 AADUs and DADUs, respectively, have been allowed citywide as part of a main house or in the backyard of lots in single-family zones. ADUs may have been constructed before or after that time without a permit for a variety of reasons. This amendment requests that the Seattle Department of Construction and Inspections creates an amnesty program for accessory dwelling units that were constructed without permits.

Notes: This amendment will require renumbering Sections 12 and 13 in CB 119544 as introduce)

Double underlines indicate new language to be added.

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

Amendment

Add a new Section # to Council Bill 119544 as follows:

Section #. The Council requests that the Seattle Department of Construction and Inspections (SDCI) develops an amnesty program for accessory dwelling units that were constructed without permits. The program shall permit owners of accessory dwelling units constructed without a permit to come forward during a certain time period and legalize their units without penalty. SDCI shall develop standards that will not discourage owners from seeking legalization of the units voluntarily, including identifying the potential for flexibility from Land Use Code and Building Code standards that would simplify and reduce the cost of legalizing these units while ensuring that the accessory dwelling units are safe and habitable.

Amendment 8 to CB 119544

Amendment 8: Allow open railings to extend above the height limit on a DADU to accommodate a roof deck

Sponsor: Councilmember Mosqueda

Background: Currently, the maximum height of a DADU depends on the width of the lot and ranges from 12 to 16 feet for the base height with additional height allowed for pitched, butterfly, and shed roofs. CB 119544 would increase the base height by 2-3 feet, with an additional 2 feet permitted to accommodate green roofs and other green building features. In addition, certain projections that accommodate windows and result in additional interior space, including dormers, clerestories, and skylights, may extend no higher than the ridge of a pitched roof.

This amendment would allow open railings to extend up to 4 feet above the base height limit to accommodate roof decks.

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:

Section 5. Section 23.44.041 of the Seattle Municipal Code, last amended by Ordinance 125791, is amended as follows:

23.44.041 Accessory dwelling units

* * *

~~((B)) C.~~ ~~((Accessory))~~ Detached accessory dwelling units. ~~((, detached, additional provisions. The Director may authorize a detached))~~ Detached accessory dwelling units are ~~((; and that unit may be used as a residence, only under the conditions set forth in subsection 23.44.041.A and))~~ subject to the following additional conditions:

1. Detached accessory dwelling units are required to meet the additional development standards set forth in Table ~~((B))~~ A for 23.44.041.

Amendment 8 to CB 119544

Table ((B)) A for 23.44.041 Development standards for detached accessory dwelling units ^{1,2}	
a. Minimum lot size	((4,000)) 3,200 square feet
b. Minimum lot width	25 feet
c. Minimum lot depth	70 feet ^{3 ((2))}
d. Maximum lot coverage	((The provisions of Section 23.44.010 apply.)) <u>Detached accessory dwelling units are subject to the requirements governing maximum lot coverage and lot coverage exceptions in subsections 23.44.010.C and 23.44.010.D.</u>
e. Maximum rear yard coverage	((A detached)) Detached accessory dwelling units, together with any other accessory structures and other portions of the principal structure, ((is limited to a maximum combined coverage of 40 percent of the rear yard)) <u>are subject to the requirements governing maximum rear yard coverage and lot coverage exceptions in subsections 23.44.014.D.</u>
f. Maximum ((gross floor area)) <u>size</u>	((800)) <u>The gross floor area of a detached accessory dwelling unit may not exceed 1,000 square feet ((including)) excluding garage ((and storage)) areas, ((but excluding covered)) porches and covered decks that are less than 25 square feet in area, and ((underground areas measured as set forth in Section 23.86.007)) gross floor area below grade.</u>
g. Front yard	A detached accessory dwelling unit may not be located within the front yard required by subsection 23.44.014.B, except on a through lot pursuant to Section 23.40.030 or Section 23.40.035, ((and row i of this Table B for 23.44.041.))
h. Minimum side yard	((The provisions of subsection 23.44.014.C apply.⁷)) <u>A detached accessory dwelling unit may not be located within the side yard required by subsection 23.44.014.B except as provided in subsection 23.44.014.C.3.⁴</u>
i. Minimum rear yard	A detached accessory dwelling unit may be located within a required rear yard if it is not within 5 feet of any lot line, unless the lot line is adjacent to an alley, in which case a detached accessory dwelling unit may be located at that lot line. ^{((3,)) 4, 5, 6}
j. Location of entry	((Entrances to detached accessory dwelling units may not be located on facades)) <u>If the entrance to a detached accessory dwelling unit is located on a facade facing ((the nearest)) a side lot line or ((the)) a rear lot line, the entrance may not be within 10 feet of that lot line unless ((the nearest side)) that lot line ((or rear lot line)) abuts an alley or other public right-of-way.</u>

Amendment 8 to CB 119544

Table ((B)) A for 23.44.041 Development standards for detached accessory dwelling units ^{1,2}					
k. Maximum height limits ^{7,8,9} ((6))	Lot width (feet)				
	Less than 30	30 ((or greater)) up to ((35)) 40	((Above 35 up to 40))	((Above))40 up to 50((6))	50 or greater
(1) Base structure height limit (in feet) ¹⁰	((12)) 14	((14)) 16	((15))	((16))18	((16)) 18
(2) Height allowed for pitched roof above base structure height limit (in feet)	3	7	((7))	((6))5	7
(3) Height allowed for shed or butterfly roof above base structure height limit (in feet); see Exhibit A for 23.44.041	3	4	((4))	4	4
l. Minimum separation from principal ((structure)) <u>single-family dwelling unit</u>	5 feet				
((m. Number per lot	Only one detached accessory dwelling unit is allowed on a lot.))				
Footnotes to Table ((B)) A for 23.44.041					
¹ The Director may allow an exception to standards a through f ((;)) and h ((, i, and j)) through k pursuant to subsection ((23.44.041.B.3)) 23.44.041.C.2, for converting existing accessory structures to a detached accessory dwelling unit, including additions to an existing accessory structure.					
² The Director may allow an exception to standards e, i, and j if the exception allows for the preservation of an exceptional tree or a tree over 2 feet in diameter measured 4.5 feet above the ground.					
⁽⁽²⁾⁾ ³ For lots that do not meet the lot depth requirement ((;)) but have a greater width than depth and an area greater than 5,000 square feet, a detached accessory dwelling unit is permitted, provided the detached accessory dwelling unit is not located in a required yard. ((³ The exceptions from standard yard requirements in subsection 23.44.014.C.6.a shall also apply.))					
⁴ External architectural details with no living area, such as chimneys, eaves, cornices, and columns, may project no closer than 3 feet from any lot line. Bay windows are limited to 8 feet in width and may project no closer than 3 feet from any lot line. Other projections that include interior space, such as garden windows, must start a minimum of 30 inches above the finished floor, have a maximum dimension of 6 feet in height and 8 feet in width, and project no closer than 3 feet from any lot line.					
⁽⁽⁴⁾⁾ ⁵ If the lot line is adjacent to an alley and a detached accessory dwelling unit includes a garage with a vehicle entrance that faces the alley, the garage portion of the structure may not be located within 12 feet of the centerline of the alley.					
⁽⁽⁵⁾⁾ ⁶ On a reversed corner lot, no detached accessory dwelling unit shall be located in that portion of the required rear yard that abuts the required front yard of the adjoining key lot.					

Amendment 8 to CB 119544

Table ((B)) A for 23.44.041 Development standards for detached accessory dwelling units ^{1,2}
<p>⁽⁶⁾ Features such as chimneys, antennas, and flagpoles may extend up to 4 feet above the maximum allowed height.</p> <p>(⁷ Detached accessory dwelling units on lots that have a width greater than 40 feet up to 50 feet may be built to the maximum height limit applicable in the column for lots greater than 50 feet when the detached accessory dwelling unit is located on a lot with a rear lot line that is adjacent to an alley.)</p> <p>⁸ Projections that accommodate windows and result in additional interior space, including dormers, clerestories, and skylights, may extend no higher than the ridge of a pitched roof permitted pursuant to row k if all of conditions of subsection 23.44.012.C.3 are satisfied.</p> <p>⁹ Any structure with a green roof or other features necessary to meet a green building standard as defined by the Director by rule, may extend up to 2 feet above the maximum allowed height.</p> <p><u>¹⁰ Open railings that accommodate roof decks may extend 4 feet above the base structure height limit.</u></p>

Amendment 9 to CB 119544

Amendment 9: Report on ADU Loan Pilot for Low-income Homeowners

Sponsor: Councilmember Herbold

Background:

The Office of Housing, at the direction of Council, is implementing a pilot program that would authorize loans to low-income homeowners who want to create additional habitable space on their property to house a low-income family or community member. This could include finishing a basement, creating an accessory dwelling unit, or bringing an existing unregistered ADU up to code. The pilot program is expected to provide five to 10 loans to low-income homeowners by September 2020.

This amendment requests that OH reports to the Council on lessons learned from this pilot program and makes recommendations to expand this program, or develop a new program, to offer financial support for the development of rent- and income-restricted units to a wider range property owners.

Note: This amendment will require renumbering Sections 12 and 13 in CB 119544 as introduced)

Notes:

Double underlines indicate new language to be added.

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

Amendment

Add a new Section # to Council Bill 119544 as follows:

Section #. The Council requests that the Office of Housing reports to the Council by September 1, 2020, on the outcomes and lessons learned from the pilot program that authorizes loans to low-income homeowners who want to create additional habitable space on their property or an accessory dwelling unit. In addition, OH shall provide recommendations on the potential for expanding this program, or creating a new program, to offer financial support to any homeowner who enter into an agreement to offer the ADU as a rent- and income-restricted unit.

Amendment 10 to CB 119544

Amendment 10: Request a report on short-term rental use in ADUs

Sponsor: Councilmember O'Brien

Background:

Section 11 in CB 119544 requests that the Seattle Department of Construction and Inspections reports annually to the Council about ADU permit activity. This amendment would modify that section to request information about short-term rental activity occurring in ADUs and consideration of future changes to regulations governing short-term rental use, as appropriate.

Notes:

Double underlines indicate new language to be added.

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

Amendment

Amend Section 11 to Council Bill 119544 as follows:

Section 11. The Seattle Department of Construction and Inspections (SDCI) shall report annually to the Planning, Land Use and Zoning Committee, or its successor committee, on Citywide accessory dwelling unit permit activity. The report shall be delivered to the City Council by no later than June 30 of the following calendar year, with the first report due on June 30, 2021. This annual report shall include detailed information on all attached and detached accessory dwelling unit permits issued and all permits finalized, including:

A. The number of permits issued to construct ADUs and the number of permits finalized over the previous five-year period. This should include the number of permits issued and finalized for a second ADU and details on whether the second ADU was constructed in a new structure or through conversion of or an addition to an existing structure,

B. The number of permits issued for ADUs that were associated with the redevelopment of a single-family lot that included demolition of a principal single-family dwelling unit.

Amendment 10 to CB 119544

C. A map that shows the location and dispersion of both attached and detached accessory dwelling units, including the number and location of lots that have two ADUs; and

D. For each detached accessory dwelling unit permit issued, the report shall state the height, gross floor area, total square footage of the lot where the detached accessory dwelling unit is located, and total lot coverage of all structures on the lot.

E. Information on the number of short-term rental operator licenses issued by the Department of Finance and Administration (FAS) that authorizes short-term rental use in an ADU. In addition, the Council requests that SDCI works with FAS to develop this information and identify recommendations, as appropriate, for modifications to the regulations governing short-term rental use.

F. By July 1, 2022, SDCI and the Office of Planning & Community Development (OPCD) shall conduct a survey of ADU owners and occupants to collect descriptive statistics of owners and occupants of ADUs. This shall include information on the use, size, financing, ownership, design, and construction of ADUs built in Seattle. OPCD and SDCI shall provide a report to the Planning, Land Use and Zoning Committee, or its successor committee, on the survey results. In addition, OPCD and SDCI shall report on challenges to constructing ADUs identified through the survey results and recommend changes to address identified challenges.

Amendment 11 to CB 119544

Amendment 11: Request information collected on the demographics of ADU owners and occupants and rents charged for ADU tenants.

Sponsor: Councilmember Pacheco

Background:

Section 11 in CB 119544 requests that the Seattle Department of Construction and Inspections reports annually to the Council about ADU permit activity and conducts a survey within three years after implementation of ADU owners and occupants. This amendment would modify that section to request information about the demographics of ADU owners and occupants and the rent charged to ADU tenants.

Notes:

Double underlines indicate new language to be added.

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

Amendment

Amend Section 11 to Council Bill 119544 as follows:

Section 11. The Seattle Department of Construction and Inspections (SDCI) shall report annually to the Planning, Land Use and Zoning Committee, or its successor committee, on Citywide accessory dwelling unit permit activity. The report shall be delivered to the City Council by no later than June 30 of the following calendar year, with the first report due on June 30, 2021. This annual report shall include detailed information on all attached and detached accessory dwelling unit permits issued and all permits finalized, including:

A. The number of permits issued to construct ADUs and the number of permits finalized over the previous five-year period. This should include the number of permits issued and finalized for a second ADU and details on whether the second ADU was constructed in a new structure or through conversion of or an addition to an existing structure,

B. The number of permits issued for ADUs that were associated with the redevelopment of a single-family lot that included demolition of a principal single-family dwelling unit.

Amendment 11 to CB 119544

C. A map that shows the location and dispersion of both attached and detached accessory dwelling units, including the number and location of lots that have two ADUs; and

D. For each detached accessory dwelling unit permit issued, the report shall state the height, gross floor area, total square footage of the lot where the detached accessory dwelling unit is located, and total lot coverage of all structures on the lot.

E. By July 1, 2022, SDCI and the Office of Planning & Community Development (OPCD) shall conduct a voluntary survey of ADU owners and occupants to collect descriptive statistics of owners and occupants of ADUs. This shall include information on the use, size, financing, rent charged, ownership, design, and construction of ADUs built in Seattle, and general demographic information of ADU owners and occupants. Any information collected must be in compliance with applicable legal limitations. The OPCD and SDCI shall provide a report to the Planning, Land Use and Zoning Committee, or its successor committee, on the survey results. In addition, OPCD and SDCI shall report on challenges to constructing ADUs identified through the survey results and recommend changes to address identified challenges.